United States Court of Appeals

for the Second Circuit

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

75-6079

Docket No. 75-6079

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, and THE CITY OF NEW YORK,

Plaintiffs-Appellees,

-against-

LOCAL 638 . . . LOCAL 28 OF THE SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION, LOCAL 28 JOINT APPRENTICESHIP COMMITTEE . . . SHEET METAL AND AIR-CONDITIONING CONTRACTORS' ASSOCIATION OF NEW YORK CITY, INC., etc.,

Defendants-Appellants.

LOCAL 28,

Third-Party Plaintiff,

-against-

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Third-Party Defendant.

LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,

Fourth-Party Plaintiff,

-against-

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Fourth-Party Defendant.

B P/B

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UNITED STATES COURT OF APPEALS
FILED
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SECOND CIRCUIT

On Appeal From The United States District Court
For The Southern District of New York

EXHIBITS TO JOINT APPENDIX

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12

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TABLE OF CONTENTS OF EXHIBITS

Exhibit No.		Page
1	Carlough Deposition, March 30, 1973 (excerpts)	868
2	Report by Frank C. Weigel of August 16, 1967 meeting between Cammarata, Farrell, and Stack re jurisdictional dispute.	902
3	Letter to Harry Ruckert from General Secretary-Treasurer dated April 19, 1968--letters to each transferee dated April 19, 1968.	903
6	Letter from Farrell to Carlough dated January 11, 1965.	904
7	Letter to Cammarata from Secretary-Treasurer dated October 25, 1965.	906
8	Letter to Cammarata from Secretary-Treasurer dated October 18, 1965.	907
9	Letter to David S. Turner from Cammarata dated October 7, 1965.	908
12	Letter from George Braun to Local No. 28 dated August 10, 1967.	909
13	Letter from Farrell to Carlough dated August 9, 1967.	910
14	Letter from Carlough to Turner dated August 2, 1966.	911
15	Letter from Secretary-Treasurer to Carlough dated August 11, 1966.	912
16	Constitution and Ritual (Revised and Amended, 1974).	914
19	Constitution and Ritual (Revised and Amended, 1942).	916
20	Constitution and Ritual (Revised and Amended, 1938.	917
21	Mulhearn Testimony (excertps).	918
22	Transcript of Hearings held by New York City Commission on Human Rights - March 8, 1967 (excerpts).	949

Exhibit No.		Page
24	Defendant Local 28's Answer to Interrogatories	968a
26	United States of America's Second Set of Interrogatories to Defendant Local 28.	968b
28	Defendant Local 28's Supplemental Answer to Plaintiff United States of America's Second Set of Interrogatories.	969
29	Letter from Bogen to Adams dated March 16, 1973, page 5.	970
31	Letter from Bogen to Adams dated October 11, 1974, p. 21-22.	971
34	Opinion and Award by Theodore W. Kheel dated May 9, 1969.	973
35	Opinion and Award by Theodore W. Kheel dated October 10, 1968.	973a
37	Motley decision on Motion to Confirm and Order.	974
39	Notice of Order--New York State Commission on Human Rights, March 20, 1974.	994
47	General Social and Economic Characteristics N.Y. 1970 Census of Population (selected charts).	995
49	Non-White Labor Force Statistics for the Five Boroughs of New York, with affidavit of Lou Corsi.	1001
51	Minutes of Executive Board and General Membership Meetings of Local 28 (selected excerpts).	1021
55	Standard Form of Union Agreement between Local 28 and the Contractors Association, effective August 31, 1972 through June 30, 1975	1048
56	Standard Form of Union Agreement between Local 28 and the Contractors Association, effective August 4, 1969 through June 30, 1972	1051
57	Standard Form of Union Agreement between Local 28 and the Contractors Association, effective July 1, 1966 through June, 1969.	1053
58	Crime statistics tables.	1054
59	Stipulation of Facts (and Supplements).	1060
60	Record of Hearing, p. 91	1108

Exhibit No.		Page
62	Answers to 1968 Test.	1108a
64	Tally sheet of the people who took 1968 Test.	1108b
67	Copy of 1969 Test with answers.	1108c
72	Application used in the 1973 Apprentice Exam.	1109
78	Shop Lists -- October, 1974.	1111
82	Apprenticeship applications.	1112
87	Form letters for rejection of applicants	1123
88	Xerox copy of file folder Gregory Harmon.	1124
90	JAB meeting, August 19, 1970.	1125
91	JAB letter to O'Reilly from Rosenthal.	1130
92	JAB minutes, August 22, 1968.	1132
95	Minutes July 16, 1970 of JAB.	1136
97-103	Tabulations on Tests.	1141a
104	Affirmative Action program of IA.	1142
105	Local 400 -- Apprenticeship Training Standards.	1145
107	Cammarata Deposition.	1162
108	Manpower Requisitions, October 28, 1968 through April 21, 1969.	1163a
109	Panel Hearing	1164
110	JAB minutes April 15, 1971.	1165
111	Panel Hearing.	1172
112	Letter re Manpower Shortage.	1186
113	Rothberg letter, August 9, 1972.	1187
114	Letter to Lindsay from Rothberg, August 20, 1971	1190
115	Chancellor of Ed from Rothberg, September 27, 1971.	1192
116	Letter to Scribner from Norton (September 27, 1971)	1194

Exhibit No.		Page
117	Mayor letter, January 18, 1973.	1196
125	EEOC Report.	1199
126	EEOC Report	1200
127	EEOC Report.	1207
134	Gottesman letter to JAC Steamfitters, June 26, 1968.	1211
135	Katzell Graph.	1212
141	Telegram, 1/22/65.	1213
142	Letter to Local 400 from 28, 7/24/73.	1214
M.	Table: Total Minority and Labor Force	1215
Q.	Job Emergency Instructions	1216
AK.	Dept. of Personnel, City Civil Service Commission, Notice of Examination, No. 8168, Sheet Metal Worker.	1217

A Mr. Fisher, yes.

Q Have you consulted with Mr. Bogen at all?

A No, sir.

Q Have you consulted with any person connected with Local 28 of the Sheet Metal Workers International Association?

A No, sir.

Q Have you read any of the depositions that have previously been taken in this case?

A Yes, I have.

Q Whose depositions have you read?

A I believe Mr. Flannery.

Q Mr. Flannery?

A Flannery. That is right.

Q Have you read anybody else's testimony?

A I started to read another one, but I only got half-way through it, Mr. O'Rielly, and I did think the meeting was two o'clock, and I was going to go back and read the rest of it this morning.

Q Have you read any one else's deposition that was given in this case?

A No.

Q Have you spoken to anyone representing Local 400 of the Sheet Workers International Association?

A No, sir.

Q What is your present position with the Sheet

Metal Workers International Association?

A Ex-President.

Q And when did you assume that position?

A October 1st, 1970.

Q What were you prior to that?

A General President.

Q And when did you assume that position?

A June of 1959.

Q What are your duties as Ex-President of the Sheet Metal International?

A To assist the President and Secretary-Treasurer, whatever duties they assign to me.

Q Is the position that you now hold; that is, ex-President, is that a valid position?

A Yes, it is.

The right terminology is President Emeritus.

Q And since 1970, how much of your time has been taken with these duties as President Emeritus?

A Well, how would you say it? Three-quarters, anyway.

In fact, I go in at ten or eleven o'clock, and I can leave at one or two in the afternoon.

Q But you go in generally every working day?

A Yes.

No, not every working day, but pretty near every

Q Now, prior to your assumption of the position as General President of the International Association, did you hold a position in the sheet metal trade?

A Well, I don't know exactly how you mean that. You mean another position, or what?

Q Did you hold any position --

MR. BOGEN: Off the record.

(Discussion off the record.)

MR. BOGEN: On the record.

BY MR. WOHL:

Q Did you hold any position in the sheet metal trade?

A I was a mechanic. I was an apprenticeboy.

Q With what local?

A Local 28.

Q Were you an officer of Local 28?

A Yes, I was.

Q What was your position?

A President of Local 28, in June of 1941.

Q And you were President of Local 28 from 1941 until 1959?

A No. Until 1951.

Q And in 1951, did you have a position then?

A I was elected Secretary-Treasurer of the Sheet Metal Workers International Association.

Q And it is your testimony that generally you did follow those duties, rather than having the Constitution be in effect an inaccurate description of your duties?

A I don't quite understand.

MR. FISHER: I object to the form of that question. I don't understand, first of all.

BY MR. WOHL:

Q It is your testimony, then, that the Constitution that was in effect at that time that you held the office of Secretary-Treasurer accurately described the duties that you in fact did perform as Secretary-Treasurer?

A I would say so, yes.

Q And your testimony is to the same effect concerning your duties as General President of the International?

A At that time.

Q Right?

A Right.

Q Now, does the International Association have any rules or regulations other than the Constitution?

A Not to my knowledge.

Q Does it have any bylaws or policies or any other forms of written rules or regulations of any kind other than the Constitution?

A The Constitution is the Bible that we have to go by, and that is all I can tell you. We have to go by whatever

that says. That was passed by the membership, and we have to carry it out, the Constitution, whether he is the General President or the General Secretary-Treasurer.

Q From time to time does the International Association supplement the Constitution in any way with additional rules or regulations?

MR. FISHER: I don't know what you mean by "supplement." I object to the form of that question.

BY MR. WOHL:

Q Well, from time to time does the International Association promulgate or pass or create additional rules or regulations or bylaws or policies?

MR. FISHER: The witness said you have no bylaws.

Are you asking is the Constitution amended? Is that the gist of your question?

MR. WOHL: No, I am asking if there are any additional rules --

THE WITNESS: Well, I don't know of any additional rules at all.

BY MR. WOHL:

Q Has the International Association ever passed resolutions?

A No.

Q Does the International Association ever issue orders to local unions?

A Only if they are -- we think they are violating the Constitution, and we just tell them to abide by the Constitution.

Q Has the International Association, during your connection with the International Association, ever issued any orders to local unions in circumstances other than situations where the International Association concluded that the local was violating the Constitution?

A We have issued orders, if they are violating the Constitution, and told them that they have to do this or that under the Constitution.

Q And it is your testimony that you have issued no other orders?

A Well, you would have to -- I don't know what you mean by "other orders," only what I have said.

Have I issued an order that it was not in the Constitution, they would very nicely tell me that I don't know what I am talking about, and I would, too, if anybody issued me one.

Q Now, from time to time the International Association charters local unions.

Is that correct?

A That is correct.

Q And does the International Association have a procedure for chartering new local unions?

This will be coming up, I think, at later times when other production of documents are asked for, and we request, Mr. Fisher, that any documents or correspondence you have with the U. S. Attorney's office pursuant to his request, that copies be sent to me, and, of course, to Mr. Rothberg.

MR. FISHER: All counsel, of course.

BY MR. WOHL:

Q Mr. Carlough, you used the term, I believe, "production local."

What is a production local?

A People that manufacture and sell, and don't manufacture and contract.

Q They manufacture and sell what?

A Sheet metal parts.

In other words, they don't contract for a building like they do in 28 or 73, the big building trades locals. They contract from contractors, and they don't go outside and bid the job for fabrication and erection. They just do the fabrication on certain work.

Q And they do no erection. Is that correct?

A None at all.

Q Do they do any installation of the materials that they fabricate?

A None whatsoever.

For instance, I will give you an instance.

Carrier Corporation, they make fans, air conditioning units, and stuff of that nature, which is bought by the sheet metal contractor who contracts for a bid on a building. That is part of the equipment.

The production part of our organization makes that equipment.

Q And where is this Carrier Corporation located?

A Syracuse, New York.

Q Do you know how many production locals the International Association has at the present time?

A No. I would be guessing again. That is what we asked before.

You see -- I don't think there is any charter in my time that has been issued to a strictly building construction local that does fabrication and erection, because when we organize, in our organizing staff in that district, that would go into the local building trades local in that district; in that state or city.

Q And during the time that you were an officer of the International Association, what was the normal and routine procedure by which the International Association would deal with the different local unions?

A What local unions, and what dealings?

Q Did you have any procedure through which you would normally deal with all of the unions?

A That is correct.

Q And I gather from what you previously testified that those were the only rules or policies or regulations of the International Association concerning transfers of members from one local to another?

A The Constitution, that is right.

Q Is that correct?

A That is correct.

Q Now, did the Constitution, during the time that you were an officer, contain any provisions to the effect that a local could refuse to accept transfers of persons who had not been former members of that particular local?

MR. FISHER: First of all, you can ask him about a written document, if the Constitution contained it. It seems to me he could point out the section of the Constitution. It either does or does not.

It seems to me that that is not a proper question. You asked him if the Constitution is the only provision. He answered affirmatively. It is what the Constitution says.

You are asking him to repeat verbatim a section of the Constitution.

MR. WOHL: It seems to me that because of Mr. Carlough's experience in the field he might well be aware of some provisions or interpretations of some provisions that I am not aware of.

THE WITNESS: Szve time.

MR. WOHL: And it doesn't seem to me that there is any such provision.

MR. FISHER: Well, I don't think it is fair to ask a man to repeat from his recollection --

MR. WOHL: I am not. I am asking him to put the gloss of his experience in the field on the Constitution as it stands.

MR. FISHER: All right.

THE WITNESS: I can answer that.

BY MR. WOHL:

Q Would you answer that?

A Yes. There is a part in there that the local union can refuse, and that is a man, his home, where he comes from, where his children go to school, he can go in there and hire a hotel, and they can turn him down because he does not belong to that local union.

Q And is that the only provision or rule that you know of that allows a local to refuse a transfer of another member of another local?

A Well, there is another little one in there that they cannot refuse him, but if he has not got five years in his own local, and he comes into another local, they can examine him and see if he is qualified. After five years they cannot examine him.

Q Has it ever been brought to your attention in any way that Local 28 ever had a policy or rule that it would not accept transfers of persons from other locals unless those persons had been former members of Local 28?

A Well, under my last answer to you, if they did, we would tell them they couldn't.

Q All right.

As a matter of fact, were you ever aware of such a policy, rule, or regulation of Local 28?

A I was aware when I was in 28.

Q Was there such a rule or policy or regulation in Local 28?

A No, there was not such a rule.

I was ordered, when I got in there, to take eight transfer cards from New Jersey, and I refused to do it.

Q What happened?

A Well, they took an examination from my local, and they did not pass it. And they went over to Newark, and they got passed, and I had the right to examine them, I said, and they tried to transfer back in a month later, and had took an examination and passed miserably on it, and they were not qualified to do the work in the City of New York was my explanation, and I think I was right under the Constitution.

Q Did they have five years in the sheet metal trade?

A No, sir. I said one month. They took an examination one month later, went over there and took it.

Q And is it correct, then that if, after the time that you left Local 28, it never had a policy or a rule or regulation excluding transferees who had not been former members of Local 28, that you are unaware of that policy?

A I may be unaware -- if it came to our attention we would make them live by the Constitution, which we make every other local live by.

Q Did there ever come a time while you were an officer of the International Association that the International Association directed Local 28 to accept some transferees?

A I believe once, yes.

Q Do you remember when that was?

A You got the file there.

Q Would you like to see the documents you brought concerning that, to refresh your recollection?

A No, I don't need them. I recollect it very well.

Q Would you describe what that situation was, as you recall it?

A That was not in the normal sense transfers.

That was the Navy Yard in Brooklyn was closed down, and we had a local over there, Local 401, and they had to be placed some place, and I appointed an organizer in that district to sit with the people and find out what we could do

to place them in our local unions, and we particularly looked at where they lived

So I believe that I ordered Local 28 to take 15. I am not too sure of the amount, and I ordered Local 55 to take so many, and because people lived in 55 in the Navy Yard, and by a strange coincidence, I didn't know this one, I didn't see it there, but I was told I ordered two into Albany, New York by the business agent. They had moved to Albany, New York, and we couldn't put them all in one local, and I had to check them to see what their qualifications were.

And we had a sign local in New York, 37, and I didn't want to put them in signs because they wouldn't know how to do it, and I put some in production locals, and we tried to put them in locals where they lived, and where they fitted, and that is where we put them.

Q Did you have any discussions with the local unions involved concerning that situation?

A Well, I don't believe I did, but I believe my representative in that district did have a disucssion with all of them.

Q And who was your agent at that time?

A Frank Weigel. I think his reports are in there, too.

Q And then did Mr. Weigel report back to you the results of these conferences?

A Yes.

I said, "If you want to be organized, we will see what we can do. Get the wheels in motion and try to organize you."

Q And what happened next with respect to this process?

A Well, naturally, as I said before, that the blowpipe industry is considered as a building trades industry, and we knew that we couldn't organize them at the regular wages in New York City.

We knew we would have to organize at a lower wage rate. And naturally I spoke to 28, and that is where they should have went.

And 28 didn't want them.

Q Who did you speak to at 28?

A I am assuming that I spoke to Farrell. That is the only one I would speak to.

Q And when was that?

A That was 1960, 1961, something like that.

Q And what did you say to Farrell, and what did he say to you?

A I said, "How about going out, and we will help you to organize the blowpipe industry in New York."

Q And what did Farrell say?

A He said, "Certainly, we will organize them, but get us a wage rate. We won't take the secondary wage rate."

That was the big fight. He wouldn't take the secondary

January 7th.

THE WITNESS: Ray put it 7. He put it 11.

MR. FISHER: There is a date on this Xeroxed copy.

MR. WOHL: Shows it received.

I am sorry. I meant the date it was sent.

All right.

BY MR. WOHL:

Q Do you recognize the receipt stamp as the stamp of the International Association?

A Yes, I do.

Q And that telegram requested a meeting.

Is that right?

A Yes.

Q Was such a meeting held?

A Yes. I am sure it was not one but two meetings held.

Q Where were those meetings held?

A Washington, D. C.

I am sure one of them in Washington, D. C.

Q And did you attend those meetings?

A Yes, I did.

Q Who else attended those meetings?

A I had someone with me, but I think I had this one by myself.

Q With whom did you have that meeting?

A The committee from Manhattan.

There was no question about it in my mind, but not to my mind, it wasn't a legitimate argument because I believed the little work he did and all the other work was throwing all the work away for just that little contract. And I just wouldn't listen.

Q I show you Plaintiff's Exhibits 9 and 10, and I ask you what those are (handing documents to witness)?

A I am assuming this now. I am looking at the date, January 22nd.

When I was turned down by Farrell on January 11th, he wanted the top rate. The attorneys came down and met me, and they still wanted the top rate. And I called Roberts and told him we were going to organize the industry. And I gave him the assignment, to go out and organize the industry.

And I notice this is January 22nd.

Q Now, did you have any other meetings with anyone else after you met with Mr. Munder in early January?

A After I got the letter from 28 and everybody turned it down, and then I got the employers, seven or ten -- I don't know what day I met them -- and they made the kick they wouldn't move. And I called him in and said, "We are going to organize the industry our own way. We will do it the yard way."

And I gave him the assignment. And he was the director for the City of New York.

Q And what happened next with respect to the organizing of the blowpipe workers?

A Well, the only thing, I will have to go by the files myself now.

I gave the directive to the organization in the International and Roberts to go out and organize the industry.

The director of the organization at that time is now the General President, Edward J. Carlough. And I gave them the assignment. This is what I want done. Go out and organize the industry.

And he went out and did it.

Q And Edward J. Carlough, who was the director -- he is your son?

A Well, you heard me say Roberts, too.

There was a director over the United States, and that was Roberts, and east, north, south and west. And we got another director, Roberts was the director under the director.

Q Yes.

And what happened next?

A Well, they went out and they organized it. That is all I know.

Q Did you have any further meetings with Mel Farrell on this subject?

A After I got turned down, as I said before, after the employers turned me down, I gave the order. We are going to organize the industry ourselves without any help from nobody, and that is what I ordered them to do.

And I had no more contact with Farrell or anybody else on the 28 until, maybe, a little later, when they also objected to some of the work that other people were doing; that the blowpipe people were doing some of his work.

I think there is a letter to that effect, too.

Q You are now referring to after the blowpipe workers were put into 400 --

A That is right.

Q -- you then had conversations about whether they were, in effect, doing work that should have been done by 28?

A That is exactly right.

Q All right.

At the time, and this is in early 1965, when you were having these conversations with Mr. Munder, Mr. Farrell and others about putting the blowpipe workers into 28, did you know then how many blowpipe workers you were talking about?

A I believe they told me. It was not so anyway. They said around 400, but it was nowhere near 400.

Q And who said that?

A The contractors at that meeting, and Mr. Sidney O. Raphael.

Q And did anyone tell you about the racial makeup of that group of blowpipe workers?

A No.

Q Did you know anything about --

A Oh, sure, I knew it.

Q What did you know about it?

A Well, when I was a business agent trying to organize that shop that I mentioned, that one shop now, Manhattan Blow-pipe, I visited it myself over there and I tried to organize it myself over there.

I tried to organize when I had a job out at Grumman's. When they had a big job at Grumman's, I did my best to organize when it was over there.

Q And what did you find out on these visits?

A Every time I went over there, sure, they wanted to organize at a lower wage rate.

Q Who did you speak to when you went over there?

A I assume I talked to the boss, whoever it was.

Q And this would have been prior --

A In the 1940's. When I was President of Local 28, now, I am talking about.

Q And what was the racial makeup of the Manhattan Blow-pipe shop?

A I guess it was about split, what I saw with my own eyes. There were Spaniards, coloreds in there, and white people in there.

Q Now, how many times did you visit this Manhattan Blowpipe shop?

A I would say once or twice. I think I visited, and I

couldn't get the boss and I spoke to the foreman, or somebody, and I think I made an appointment to go back and meet him. I am talking about the 1940's now.

I made an appointment to go back and meet him. And I met the man that had the right to say yes or no.

Q And what was your conversation with him?

A To organize; that I was going to try to knock them off the job out there. But I didn't.

Q What job?

A Grumman's.

Q Where is that located?

A That was a big airplane place.

Q And you were -- and the workers from that company were working on that job, is that correct?

A Yes, they were.

We were working on that job at the same time, and that is what made me do it.

We had a big ventilation job in there. Maral Company had it.

Q And did you propose -- and do you remember exactly what you proposed to them?

A Yes.

I wanted to organize them. That's all.

Q Did you tell them what you meant by that?

A He knew what I meant by it. Organize "at what wage

rate"?

"The wage rate everybody else is paying."

And I tried to tell him the advantages he would have. He could bid any job in New York City, take any job, and instead, "No, I can't organize on that wage rate." He wouldn't buy it.

Q Did you tell him whether you would -- if you organized this Manhattan Blowpipe shop, you would put Local 28 men into the shop --

A No, I didn't say anything like that. You don't say anything like that when you organize the shop. You have to take the people in that shop when you organize or you don't take nobody.

Q And you told him that you would take those people into the shop?

A Absolutely.

Q Now, at that time, Local 28 didn't have any blacks in it, did it?

A I don't know. I think we did have one or two. I think we had two brothers. The Pharmont brothers.

Eddie was his first name. I think he was a colored man. West Indian colored.

Q Who else?

A I don't know whether it was his son or brother-in-law was in. And don't ask me his name. I don't know it.

-19

Q Were there any other blacks in the local at that time?

A No, none.

Q Had there ever been any other blacks in the local at any time you had been a member of it --

A Well, let me say it this way.

There was never a black in a local. And I never got an application for an apprentice from a black while I was President of that local. Not one.

Q So, at the time you discussed organizing the blow-pipe companies with Mel Farrell, you knew that the workers from those companies included a large number of minority persons, did you not?

A Certainly I knew. I knew.

Q Did he say anything to indicate whether or not he knew that?

A No. We didn't talk about that.

We talked about organizing the plant. When you organize a plant, he knew enough -- when you organized a plant, everybody has to come that is in the plant. You have to do that. You can't do nothing else.

Q Well, is it not possible to organize the plant or organize the company and not take in some of the workers?

A No, I don't think so. I don't think so.

Q Has the International Association ever, to your knowledge, had any rules concerning organization?

International Constituion, dated 1942.

Both of those pages include a provision labeled "Section 6" (handing documents to the witness).

A Yes, sir.

Q Is that provision the provision that you previously referred to in your testimony concerning Negroes and auxiliary locals?

A Yes, sir.

Q Now, there came a time when you made a decision that the blowpipe workers in New York were going to be organized even without the consent of Local 28.

Is that correct?

MR. BOGEN: I will object to that question. There is nothing about the organization of the blowpipe industry on this record, or any place else, with respect to the consent of Local 28.

That is not the testimony. I object to the question as to form.

MR. WOHL: All right.

BY MR. WOHL:

Q Did there come a time the International decided to organize the blowpipe workers in New York without the agreement that they would -- without the agreement of Local 28; that these men would become members of Local 28?

A We made the decision that we were going to organize

them ourselves.

Q When was that decision made?

A Oh, 1965 or -- I think 1965.

Q And this was after these conversations that you referred to earlier with Mr. Farrell and Mr. Munder.

Is that correct?

A Yes, sir.

Q What happened next -- well, strike that.

Was it you who made that decision, that the blowpipe workers would be organized?

A I did, yes, sir.

Q Did you communicate that decision to anyone?

A I don't know -- I communicated to Mr. Roberts, Director of Organizations, that I was going to organize the blowpipe workers in New York City.

Yes, I did.

Q And what was the next thing that happened with respect --

A They went out and organized them.

Q Who went out and organized them?

A The organizers in that New York District.

Q Who were they?

A Working for the International. Could be five or six of them.

Each man has got eight or nine under his jurisdiction,

taking in six or seven states.

Q And who were the people that were the organizers that organized these blowpipe workers?

A I don't know.

I can just tell you who is in the district. There is Farreria.

Q What is his full name?

A Farreria -- I don't know the spelling, but he has six or seven under him, and him and his people went out and organized the blowpipe workers.

Q Do you know his first name?

A James.

I don't know whether he was on the blowpipe now. I don't know who he assigned. He could have out to Delaware.

He has got Delaware also. He has got upper New York State.

Q What is his position --

A He was an organizer under Roberts.

Roberts was the organizer, and he was underneath him.

He had nine of them under him.

Q And he held that position in 1959 --

A Who?

He is not today. He is Director today of organizing. He took Mr. Roberts' place when he died.

Q Where does he live now?

A That is exactly what I am doing.

Q And what was the next step in the customary procedure of organizing a company after the bargaining agent is appointed or recognized?

A Well, once we are recognized as a bargaining agent, you pick a committee and start bargaining for wages, hours, working conditions.

Q And at what point in the customary procedure did these people, that is the workers and the organized company, become members of a sheet metal local?

A Once they are recognized by the contractor, they recognize our application, we got their signatures, they check their own books to see if they work for them. And they recognize us and they are members.

Incidentally, they also sign an application for membership.

Q Now, there came a point when these blowpipe employees became members of Local 400.

Is that correct?

A Yes.

Q Who decided that they would be -- that is, the newly organized blowpipe employees would be members of the Local 400?

A I imagine that Roberts recommended that they go into 400.

Q Well, do you know who decided that?

A Well, I have to say the Director of Organization, Roberts, yes.

I have to say that he probably, on their application, put down 400. That was -- if they become members, they become members of 400.

Q Did you direct him to put these people into 400?

A No, I didn't direct him to. I told him we were going to organize.

Whether we would put a new charter in there or put them in another local, that was up in the air.

Q Now, when did you first learn that these people were going into 400?

A When he called me up and told me about it. I don't know what the date was.

Q And you --

A Now, he recommended it. Now, I shouldn't say he did it. He recommended it, naturally.

Q And to whom did he recommend it?

A To me, the President, or the Director of the organization, or to one of us. But I knew they were going into 400 then.

Q And you remember who it was that decided they would go into 400?

A I believe that he recommended it. And we acquiesced to it and said, "Yes, you can put them in there." That would

probably be my decision.

Q I gather you are saying you don't really recall?

A No. But that is the normal procedure.

I just can't remember seven, eight, nine, ten years ago exact words I said, but that was the procedure.

He would make a recommendation, the recommendation would come to me, and I would say fine, put them in 400.

That would be my decision.

And, besides that, if he went out and organized with 400, they would automatically go into 400. And I imagine that 400 was very much involved in that campaign.

Q I show you what has been marked Plaintiff's Exhibits 11 and 11-A through 11-D.

And I ask you whether or not you have ever seen those documents before (handing documents to witness)?

A The other day I saw them when they were put on my desk.

Q Did you ever see them in 1965?

A No, I don't rem ember if I did. Maybe I did. Maybe I didn't.

You notice here they are all addressed to the Director of Organization.

Q And that was Edward J. Carlough, is that correct?

A That is right.

Q Now, at that time -- that is, in 1965 -- the President

the business representative of a local union.

Q Now, Mr. Commarato has already been deposed in this case, and he testified that he did meet with Edward J. Carlough and Mr. Roberts concerning organizing the blowpipe workers.

My question to you is, is having such a meeting any deviation from the normal procedures?

A None whatsoever. I could have been in Alaska that day, whenever he did it.

Q Now, I show you what has been marked Plaintiff's Exhibits 16 through 21, and I ask you if you have ever seen those documents before (handing documents to witness)?

A Just the other day. I never seen them before that time in my life.

Q All right.

Plaintiff's Exhibit 16 is a letter from Mr. Turner, is that correct?

A That is right. Secretary-Treasurer, David Turner.

Q And that letter refers to the fact that the blowpipe workers are to be classified as building trades members.

Do you see that?

A Yes.

Q Who made the decision as to how the blowpipe workers were to be classified?

A The man who write the letter, Mr. David Turner, and he had to do it.

Q Did [illegible] consult you on that question?

A Not on this particular case, but we have talked about similar cases over the years but not in this particular case.

Q In connection with organizing other blowpipe shops?

A No.

In connection with any organization.

You see, in the blowpipe shop, they go outside and inside, and they couldn't go outside without a building trades card.

Q Well, what was the decision that that letter reflects was made?

A Because Mr. Commarato, on his books, his receipt books, says, "production workers," and if that man went out to the job with that receipt, he would be knocked off the job.

And due to that, we gave him a production card and so --

Q This is Mr. Commarato?

A This is with regard to any of our locals.

Q But you just mentioned a name.

Was it Mr. Commarato that you mentioned?

A Yes. Give him receipt books is what it says here.

Q Now, did you discuss this problem with Mr. Commarato?

A No, sir. Absolutely not.

Q Who decided that these blowpipe workers were going to

be building trades members?

A It is a normal procedure under the International, as I told you, because if he didn't have a different book, he couldn't go outside to work.

Q You mean it is a normal procedure for all blowpipe workers to be --

A All production workers, as I said.

MR. FISHER: Wait until the question is finished. It is getting late in the afternoon, and I don't think your answers have been quite responsive to the questions. And I think we will be here all night unless we get answers to the questions.

MR. WOHL: Would you read back the question I asked him, please?

(The last question, as recorded, was read by the reporter.)

THE WITNESS: Can I go off the record?

MR. WOHL: Off the record.

(Discussion off the record.)

MR. WOHL: On the record.

MR. FISHER: Why don't you rephrase your question.

MR. WOHL: Yes.

BY MR. WOHL:

Q Are there some people who are members of locals in the International who are not classified as building trades

workers?

A Production workers, yes.

Q And is it correct, then, that there are these two general categories, production workers and building trades workers?

A That is right. And Navy yards and shipyeards.

Q There are other categories also?

A Yes.

Q Now, do production workers get some kind of card which is different from the cards that building trades workers get?

A The only difference is, it says production workers only. Otherwise, it is the same card.

Q And is it correct that if a man has this card that says production worker on it, he can be thrown off of some jobs?

A That is right.

Q Now, who would throw him off in the normal customary practice?

A The building trades, and everywhere he goes, say, in Jersey will look at his card and say, "You are not supposed to work outside."

That is the man that would do it.

Q And, as I understand it, it was the intention of the International that these blowpipe workers who were organized in 1965 should work outside?

A That is right.

Q And so it was necessary to have these men have building trades cards rather than production cards?

A That is so.

Q Now, did anyone, any official of Local 400, Local 28, or the International ever suggest or recommend to you or to the INternational that these blowpipe workers, when they came into the International, should have production cards rather than building trades cards?

A We couldn't care who spoke to us. No, no one spoke to us. But we got the procedures -- we just didn't make these cards for Local 400, if that is what you are saying.

Other shops have them also.

Q Well, you referred to a normal procedure.

A That is right.

Q And my question to you is this, what normal procedure are you referring to?

A Where a man has to go outside and he has to have a building trades card. That is all I am referring to.

Q And so is your testimony that you didn't have to make a decision that these new bloepipe workers who were newly organized in New York would have building trades cards because it was part of the normal procedure of the sheet metal International, that they would have building trades cards rather than production cards?

A The same as Mr. Turner stated to that local union. He may not know it, but Mr. Turner knew it.

Q Now, did you ever have any conversation with Mr. Commarato on that subject?

A No, I did not.

Q Did anyone in the Sheet Metal International -- that is, Mr. Turner, your son, Edward J. Carlough, or Mr. Roberts, or any other officials of the International ever tell you that they had had such a conversation with Mr. Commarato?

A Never told me.

When I say never told me, as far as I can recollect, they never told me that they had had such a conversation.

Q Now, had the International in 1965 previously organized blowpipe shops in other locations other than New York City?

A I am assuming they did, but they organized them in the regular wage rate in the regular building trades local.

Q And when you say you are assuming they did --

A I am not assuming.

Q Yes. Well -- do you want to rephrase that answer to -- .

MR. WOHL: Maybe you ought to read back the question. I think you did use the term "assuming."

(The last question, as recorded, was read by the reporter.)

Ex. 2

28

PLEASE SUBMIT SEPARATE FORM FOR EACH SUBJECT TO CONFORM TO OUR FILING SYSTEM

28 | Sheet Metal Workers' International Association | Add'l Etc

U.'s NO.

NOT TO BE USED FOR JURISDICTIONAL DISPUTES OR PRE-JOB CONFERENCES

Report of International Representative Frank C. Weigel

Subject Local 28's Protest against Local 400 breach of Blow Pipe Agreement

Submitted August 18,1967 19 ___ From New Hyde Park,N.Y.

Date of Assignment Aug.11,1967 Date of Meeting Aug.16,1967

Location of Meeting Edw. Peck Co.,49-33-31st.Long Island City,N.Y.

As per assignment from General President Carlough,I arranged a meeting with Lou Cammerata,Local 400,Mell Farrell & Edward Stack of Local 28 for Wednesday Aug.16,1967,to try to resolve this dispute. On Monday the 14th a message was received from Tim Lynch of the General Office to contact Lou Cammerata. When I tried to contact Cammerata,his office reported he would be unable to meet with us on Wednesday,as he was tied up with a strike.

Mr. Farrell and Stack insisted on going to the job site with or without Cammerata to show me what has been going on. As Farrell stated in his letter of Aug.9,Local 400 has been violating Schedule A of the Blow Pipe Agreement. I observed 22 4' 10" joints installed on a heating & vent line which was installed by Local 400 men. This violation of agreement is causing trouble with Local 28's signed Sheet Metal Contractors.

I am enclosing a letter of complaint from Steel Towne Sheet Metal to Local 28 regarding this matter.

I shall make every effort to check further and make a subsequent report.

P-CARLOUGH-2

~~WCL~~ 3-30-73

WCL

Pltf Ex 1 (ml)
4/25/73 SSH Notary
(Weigel Deposition)

EFC has seen

902

P-CARLOUGH-3
3-30-73
WCL

April 19, 1968

Mr. Harry G. Rueckert
Financial Secretary Local 28
350 Broadway, 2nd Floor
New York, New York 10013

Dear Sir and Brother:

Pursuant to instructions set forth in directive dated October 17, 1967, and after investigation by International Representative, Frank Geigel, that you will accept this as official notice that the membership of the following is transferred this date from Local 401 into Local 28, and they will be added to your April membership:

William G. Brown, #120338
Thomas Caruso, #320822
Alfred M. Ciletti, #309688
Joseph S. Flanagan, #137430
Bernard Gerstenblatt, #305720
Alexander Karpowich, #229746
John J. Kennedy, #252956
Morris Kofflor, #145162
Anthony J. Lavaglio, #260933
George Leong, Jr., #253917
William J. Masterson, #302020
John J. O'Hare, #46152
Anthony A. Posce, #253922
Daniel Testut, #212799
Guilio L. Zeni, #320829

With best wishes, I am

Fraternally yours,

General Secretary-Treasurer

DST/r/nsm
f-28

cc: Frank Geigel, Int. Representative

USA 33s-475
(ED. 4-23-71)

P1

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

3

903

Ex. 6
P-CARLOUGH-7
3-30-73
WCL

WILLIAM RUECKERT, Fin. Sec'y-Treas. JOHN J. MULHEARN, Recording Secretary

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

LOCAL UNION No. 28 OF NEW YORK CITY

Affiliated with The New York State Federation of Labor, Central Trades and Labor Council of Greater New York, Building and Construction Trades Council of New York City

350 Broadway, New York 13, N.Y. • Phone WAlker 5-0300

MELL FARRELL, President

AIR MAIL
REGISTERED MAIL 461411
RETURN RECEIPT REQUESTED

Jan. 11, 1965.

Mr. Edward Carlough,
General President,
1000 Connecticut Ave. N.W.
Washington 6, D.C.

Dear Sir and Brother:

Please be advised that a special meeting of the Executive Board of Local Union 28 was held Monday evening, January 4, 1965, to discuss the organizing of the Blowpipe Industry. After full discussion on Schedule "A" with reference to the 75' limitation and the subcontracting of work in excess of 75' contained in Items 1 and 2 of Schedule "A" and an exhaustive discussion on Item B of the Standard Form of Blowpipe Agreement it was the unanimous opinion of the Executive Board of Local Union 28 that to organize this Branch of our Industry at rates other than the Building and Construction Trade rates would not be in the best interests of the Members of Local Union 28.

On Tuesday, January 5, 1965, a meeting of the Joint Adjustment Board representing the Sheet Metal Contractors Association of New York City, Inc., the Mechanical Contractors Association of New York, Inc., and Local Union 28 was held at the Building Trades Employers Association, 711 Third Avenue, New York City, to discuss the policy of our International Association to organize the Blowpipe Industry. After full discussion on the conditions contained in Schedule "A" and Section "B" of the Standard Form of Blowpipe Agreement the Employers were advised of the action taken by the Executive Board of Local Union 28 that to organize the Blowpipe Industry at rates other than the rates contained in our Agreement with the Employers Associations would not be in the best interests of Local Union 28 or the Employers who are signatories to the Agreement.

It was the general opinion with the exception of one Employer present, that to organize the Blowpipe Industry at differential rates or conditions other than contained in the present Agreement would cause chaos and jurisdictional disputes. The Employers asked for a caucus, and upon resuming the discussion it was announced that a Committee from the Employers Associations would visit our International Association headquarters in Washington to protest the organizing of the Blowpipe Industry.

904

(over)

Mr. Edward Carlough,
General President.

January 11, 1965.

After written notification to the Members of Local Union 28 w hich included the printed Schedule "A" and printed Section "B" of the Standard Form of Blowpipe Agreement a REgular and Special Membership Meeting of Local Union 28 was held Wednesday evening, January 6, 1965, at Webster Hall, 119 East Eleventh Street, New York City.

As Chairman of the meeting, the writer explained to the Members present the history of the Blowpipe Industry in the City of New York, -- that the Blowpipe Industry was never organized due to the question of demarcation, jurisdiction and wage differential. As Chairman, the writer explained the organizing program of our International Association and read Resolutions 26 and 27 submitted to the Thirty-First General Convention of our International Association, - the purpose and intent of the said Resolutions, the action of the Resolutions Committee and the substitute Resolutions submitted by the Resolutions Committee to the General Convention and adopted by the General Convention.

After full discussion on the organizing of the Blowpipe Industry, the report of the special meeting of the Executive Board of Local Union 28 held Monday, January 4, 1965 that to organize the Blowpipe Industry at rates other than the Building Trade Rates would not be in the best interests of the Members of Local Union 28, was upon Motion duly made and seconded, declared unanimously adopted. Brothers Albert Mosher and Alan Roberts representing our International Association were given the opportunity to explain the position of our International Association, which they chose to do after the adoption of the Executive Board's report by the Members present instead of at the opening of the meeting which was their prerogative.

On behalf of the Officers and Members of Local Union No. 28 I vigorously protest the action of our International Association in subverting the interests of our Local Union, the infringements on the traditional rights of the Members of Local Union 28 in the manufacturing and erection of duct work in connection with Blowpipe and Dust Collecting Systems, the erection of Spray Booth Systems, Smoke Houses, Ovens and other areas of jurisdiction, and the possible effect of the action of our International Association on the future collective bargaining agreements with our Contractors Associations; I further respectfully request that a meeting with a Committee from this Local Union be granted the opportunity to meet with our International Association Officers in Washington to further explore the organization of the Blowpipe Industry.

Fraternally yours,

MF:m
oeiu/153

MELL FARRELL,
President.

Ex. 7

f. 400

October 25, 1965

P-CARLOUGH-16
3-30-73
WCL

Mr. Louis Commarato
President Local Union 400
130 W. 42nd Street, Rm. 310
New York, New York 10036

Dear Sir and Brother:

This is to advise that inasmuch as the members employed in the Blow Pipe shops are to be classified as Building Trades members with official receipts issued from the regular receipt book, the International initiation fee due this office is $15.00 and not $10.00. Therefore, you will be governed accordingly.

With best wishes, I am

Fraternally yours,

General Secretary-Treasurer

DGT/R/jt
f-400
cc-J. J. Vaughn, F. V. LU 400

Ex. 8

400
Ckm.

P- CARLOUGH-17
3-30-73
WCL

October 18, 1965

Mr. Louis Commarato, President
Local Union No. 400
13[illegible] West 42nd Street
New York, New York 10036

Dear Sir and Brother:

Relative to your request for official receipt books to be used for journeymen in the Blowpipe Shops' please be advised that we are sending under separate cover two official receipt books for your use. In this connection may we request that an indication be made to us which members are going to appear on these particular receipts, so we may in some way code our records since the majority of members in local Union No. 400 are production workers.

Fraternally yours,

General Secretary-Treasurer

MN/sdl
f-LU 400

907

7W Sent 10/18

Called - 10/25
re error
2 Rec'd
10/25/65

Ex. 9

BRyant 9-8341-8342

RECEIVED OCT 11 1965 ROOM 310

Sheet Metal Workers International Association

LOCAL UNION 400
AFL-CIO
130 WEST 42nd STREET
NEW YORK 36, N. Y.

P-CARLOUGH-18
3-30-73
WCL

October 7, 1965

Mr. David S. Turner
General Secretary-Treasurer
Sheet Metal Workers' Intl. Assn.
1000 Connecticut Avenue
Washington, D.C. 20036

Dear Sir and Brother:

Would you be good enough to send us two or three Official Receipt books to be used for journeymen in the Blowpipe shops.

Thank you for your courtesy and cooperation.

Fraternally,

Louis Commarato
President

lc:nf

P.S. We recently requested several Directories, which we have not as yet received. Your attention to this matter is greatly appreciated.

O.K.

no money

908

Ex. 12

Pgs 4 2(col 1
4(-5/73 SDC
(Wage Deposition)

PHONE EVERGREEN 9-3637

STEEL-TOWNE
SHEET METAL WORKS, Inc.
AIR CONDITIONING • VENTILATION
150 WEST STREET
BROOKLYN, N. Y. 11222

Sheet Metal Workers Local Union #28
350 Broadway
New York, N.Y.
Att: Mr. Mel Farrell, President

August 10, 1967

P--CARLOUGH-35
3-30-73
WCL

Dear Sir:

We wish to notify you that work which comes under our contract, is being jurisdictionally violated by the industrial sheet metal workers Local Union #400.

At the present time we are installing several air conditioning systems at the Edward Weck Co., 49-33 31st. Place, L.I.C. These systems consist of five-20 ton units and one-10 ton unit located on the roof with connecting ductwork below. The Manhatten Blower Co. of Brooklyn, a blow-pipe shop affiliated with Local Union #400 is installing a ventilation system in the same premises at the same time.

This is not our only encounter with Local #400. For the past three years we had been doing quite a volume of business directly with DeLuxe Labratories located at 55th. St. & 10th. Ave. We had twice encountered men of Local #400 installing large quantities of sheet metal ductwork for A.C. and exhaust systems. Business agent Dave Pasquanucci was contacted and he notified us he went to see the president of Local #400 and was assured that this would not happen again.

We have not had any sheet metal jobs from this firm for the past six months and I am quite certain that local #400 is doing their work.

Our prices can not compete with an industrial union, affiliated with our International Association, with a lower wage scale than we pay our journey men.

I trust you will pursue this matter furthur. Itis imperative that action be taken at once.

Respectfully yours,

STEEL TOWNE SHEET METAL WORKS INC.

George Braun

GB:lc

GEORGE BRAUN

HARRY G. RUECKERT, Fin. Sec'y-Treas. Ex 113 JOHN J. MULHEARN, Recording Secretary

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

LOCAL UNION No. 28 OF NEW YORK CITY

Affiliated with The New York State Federation of Labor, Central Trades and Labor Council of Greater New York, Building and Construction Trades Council of New York City

350 Broadway, New York, N. Y. 10013 • Phone WAlker 5-0800

MEIL FARRELL, President

August 9, 1967.

P-CARLOUGH-36
3-30-73
WCL

Mr. Edward F. Carlough,
General President,
1000 Connecticut Ave. N.W.
Washington 36, D.C.

Dear Sir and Brother:

This communication is being sent to you as a protest from Local Union 28 against Local Union 400 with reference to what Local Union 28 would consider a breach of our understanding of the provisions of the Blow Pipe Agreement.

At the Edward Weck Company, 4933 - 31 Place, Long Island City, Manhattan Blow Pipe, a contractor operating under the provisions of the Blow Pipe Agreement as signed with Local Union 400 has made an installation which is not in keeping with our understanding as to the manner in which the Blow Pipe Agreement would operate.

This installation is n an existing building and consists of duct work from a heater unit on the roof. There were approximately ten four foot sections of duct 47" x 35" present (at the time Business Agent Moleti and I visited the job-site) and twenty-nine 4' joints and transitional vents not including cinch collars to be installed.

Steele Towne Sheet Metal of 176 Morgan Avenue, Brooklyn, is installing the air-conditioning at the Weck plant, which consists of five 20 ton units and one 10 ton unit which are installed on the roof of the building with the distributional systems from the said units as sub-contracted from Abbott, Lester Company. I am further advised by Steel Towne that at the DeLux Laboratories, 55 Street and 11 Avenue, New York City, Manhattan Blower Company has been installing air conditioning and ventilation systems at this plant. Steel Towne had previously made the sheet metal installations at the DeLux plant.

Business Agent Leo Moleti and I had made an appointment with Brother Lou Commarato at the Edward Weck plant but unfortunately due to circumstances beyond his control Brother Commarato could not be present. I respectfully request that a meeting between the Officials of Local Union 28 and Local Union 400 and our International Association be arranged to clarify the jurisdiction of Local Union 400 in its application of the Blow Pipe Agreement.

Fraternally yours,

MEIL FARRELL,
President.

MF:m
opeiu/153

910

Ex. 14
P-CARLOUGH-43
3-30-73
WCL

56 Shelburne Lane
New Hyde Park, N.Y. 11040
August 2, 1966

Mr. David S. Turner,
General Secretary, Treasurer
Sheet Metal Workers International Assn.
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Turner:

The Sheet Metal Workers International Association Local #400 and the Blowpipe Industry have formed a Joint Apprenticeship Committee. Brother Louis Commarato, President of Local #400 and I met on January 17, 1966 to discuss the apprenticeship program. At this meeting, President Commarato authorized me to act on behalf of Local #400 to help establish a Joint Apprenticeship Committee and a Training Program.

I then contacted Mr. John Brennan, Department of Labor, Bureau of Apprenticeship and Training who worked with me in adopting apprenticeship and training standards in keeping as close as possible to the National Apprenticeship and Training Standards of the Sheetmetal Industry.

At a meeting of the Joint Apprenticeship Committee on Friday, April 22, 1966, I was employed to act as Apprenticeship Coordinator. Since then, we have had monthly meetings and the Committee is making real progress. We have had excellent response on the part of the employers.

I want to take this opportunity to state how helpful the National Apprenticeship and Training booklet was to me as Coordinator of apprentices in starting our Joint Apprenticeship Committee.

As you know, the National Standards recommends the apprentice attends school for related instruction and also recommends reference books mentioned on Page 4, Section 9. I would like to get copies of these books and any other related matter you might recommend for use in my program. I would also appreciate a few copies of the latest Standard Form of Union Agreement. As we are most anxious to participate and cooperate with the International Association, we would welcome any suggestions or help you may have to offer. Should you desire any additional information, please feel free to call upon me at any time. At the present, I am working from my home, therefore, if you would mail the correspondence to me direct, it would save me from making a trip to the office of Local #400.

We will be starting our school program in September of 1966 and I would like to have the recommended books to work with in our school curriculum. If there are any charges, please bill me. Thank you in advance for any help or information you can give me.

Fraternally yours,

Thomas J. Carlough

THOMAS J. CARLOUGH
I.A. 212069

TJC:nc

911

Ex. 15

P- CARLOUGH-44
3-30-73
WCL

August 11, 1966

Mr. Thomas J. Carlough
56 Shelbourne Lane
New Hyde Park, New York

Dear Sir and Brother:

In answer to your letter dated August 2, 1966, I was happy to learn that Local Union 400 is establishing an apprentice program in the blow pipe industry and when you were working with John Brennan and setting up the standards, you were working with a top notch fellow. I think a great deal of Johnny Brennan.

In answer to your request for reference books, please be informed the only publication that the Sheet Metal Workers have anything to do with is the Sheet Metal Craftsman. This book is available through the Sheet Metal Training Foundation at this address and it sells for $14.00 per copy. We have encouraged each apprenticeship committee to see that their apprentices each have one of these books and the course of study be taught from this book. In some instances the local joint apprenticeship committee buys the books and gives them to the apprentices. In other instances the apprentices are required to buy the books. In regard to other reference books, if you would look at the National Standards and find the publishing company and then write the publishing company, you would be able to obtain that information in this way as we have nothing to do with the other reference books.

The Sheet Metal Training Foundation has also put out a Safety Manual for the price of 50¢. We encourage each apprentice to have a copy of this manual.

We are in the process of having a course of study on welding. As soon as this booklet is available, we shall notify all local union and they can place their orders.

We are also working through our National Apprenticeship Committee on a course of study for instructors. Our local unions will be notified when this is complete.

Mr. Thomas J. Carlough August 11, 1966

Local 28 has purchased the Sheet Metal Craftsman for their apprentices so I am sure if you are not familiar with this publication, you can contact the people in Local 28 and familiarize yourself.

I am enclosing a couple of copies of the Standard Form of Union Agreement for your information.

I remain,

Fraternally yours,

General Secretary-Treasurer

DST/mew
Enclosures (2)

Ex. 16 CONSTITUTION & RITUAL (1974)

railroad district council shall be formed or chartered within a state or province where a chartered state or provincial council already exists.

A railroad district council may be established on such railroad or railroads as may be determined by the General President.

SECTION 2—CHARTER FEES

SEC. 2. Application for state, provincial, or district council charter must be filed with the General Secretary-Treasurer, accompanied by International Charter Fee of Thirty Dollars ($30.00), and each application for state, provincial, or district council charter shall bear the signatures of the president and secretary and the seal of each local union which is a party to the application.

SECTION 3—GOVERNMENT

SEC. 3. State, provincial, and district councils shall not adopt any rules, regulations, or policies which in any way conflict with the provisions and intent of this Constitution; nor shall any additional rules or regulations, not included in this Constitution, be adopted until they are first submitted to the General Secretary-Treasurer for consideration and approval by the General Executive Council and official notice of approval received from the General Secretary-Treasurer.

All of the provisions and requirements of this Constitution, governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof, shall apply to all state, provincial and district councils and the officers, representatives, and members of said councils, insofar as they are adaptable.

SECTION 4—PENSIONS

SEC. 4. Pension plan for full-time salaried officers and employees shall be that provided in Article 12 Section 10.

P1

EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

16

in accordance with this Constitution, when two (2) months in arrears.

SEC. 9(j). Except as provided in Section 9(k) of this Article, any member who accepts employment in the jurisdiction of another local union after the deposit and acceptance of his transfer card shall pay to said local union the difference, if any, between the amount of initiation fee actually paid prior to his transfer as recorded in the General Office and the established initiation fee of the local union in which his transfer card was deposited and accepted, provided that no local union shall be required to admit any member on transfer card who has less than five (5) years of continuous good standing with this Association, other than a member who has completed a qualifying apprentice training program, unless, after appearance before the local union examining board, such member demonstrates that he is capable of performing the type of sheet metal work, coming within the jurisdiction of such local union, in accordance with the standards of workmanship established by such local union.

SEC. 9(k). Any member who has established a record of continuous good standing of five (5) years or more to and including date of issuance of transfer card shall be admitted by transfer card into any local union of this Association in accordance with the requirements of this Constitution, and without payment of any difference in initiation fee.

SEC. 9(l). Any member who desires to leave the jurisdiction of a local union with which his transfer card is properly deposited and accepted before the difference between the actual amount of initiation fee paid by the member prior to his transfer and the established initiation fee of the local union is paid in full, shall be granted a transfer card with credit for the actual amount of initiation fee paid prior to transfer, plus any difference paid subsequent to transfer, provided he shall pay all dues and obligations including dues in advance to and for the month in which transfer card expires, plus Twenty-five Cents (25¢) transfer fee.

P1

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U. S. DIST. COURT

S. D. OF N. Y.

16

Ex. 19 Constitution & Ritual (1942)

Art. 5, §6

individual applicant will be required to forward his individual application form properly filled out and signed, direct to the General Secretary-Treasurer, accompanied by the sum of fifteen dollars ($15.00) from each applicant. As a matter of convenience, ten (10) or more duly qualified applicants may select from among themselves a temporary Secretary who may be authorized by them to forward to the General Secretary-Treasurer the required number of individual application forms, each accompanied by the sum of fifteen dollars ($15.00).

Section 3. Upon receipt of the required number of official application forms properly filled out and signed by the applicants, each accompanied by the sum of fifteen dollars ($15.00), the General Secretary-Treasurer shall, when approved by the General President, issue a charter for the new local union, with a designated number and official seal, and shall prepare and forward same to the new local union accompanied by necessary supplies to meet their immediate requirements, and a complete set of books with proper entry and credit for the amount paid by each applicant properly applied and recorded on official receipts in triplicate form, in the official recipt book of the new local union.

Section 4. From the total amount forwarded to the General Office by ten (10) or more applicants for membership and charter, the General Secretary-Treasurer shall deduct the following charges:

$15.00 for charter, seal, books and supplies; $6.00 International Initiation Fee for each applicant, and $3.00 for three months' per capita tax for each applicant in advance. Therefore, on the basis of ten (10) applications properly filed at the General Office, each accompanied

by the required $15.00, making a total of $150.00 received, the General Secretary-Treasurer shall deduct a total of $105.00 due the General Office, refunding to the new local union Treasurer, when elected, the balance of $45.00 to meet operating expenses of the new local union. Each applicant under this procedure will receive an official receipt and credit for the $15.00 paid by him as follows:

Initiation fee, $6.00; $1.50 assessment for charter fee and supplies pro-rated, and $7.50 for three months' dues in advance, at $2.50 per month.

Section 5. Charters may be issued and local unions established in cities and localities by the General President as circumstances may warrant and justify and eligible applicants and members may be classified and segregated into such chartered local unions as can best protect the interest and maintain adequate wages and working conditions for the members involved.

→ Section 6. Where a sufficient number of eligible negro applicants are available they may be organized with the consent of the affiliated white local union as an auxiliary thereto, such an auxiliary shall be subordinate to the established and affiliated white local union and shall be represented by said white local union at all conferences and conventions, including International Conventions. A member of the auxiliary may be selected to act as assistant to the Financial Secretary of the affiliated white local union and he shall account to said Financial Secretary for all dues and obligations collected from auxiliary applicants and members in the manner and under conditions specified in this Constitution. The same initiation, re-initiation and re-instatement fees shall apply to auxiliary members and the privilege of transfer shall be limited to transferring from one auxiliary to another auxiliary.

Ex. 20 Constitution & Ritual (1938) Art. 5, §6

917

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Ex. 21 Mulhearn Testimony

A We don't keep a status quo. We have 80 to 100 apprentices graduating every year.

Q Do you admit them to the union?

A Yes.

EXAMINATION BY

COMMISSIONER KATZEN:

Q Wasn't there a period of time when the management people requested additional apprentices and you didn't furnish them?

A They never did that to me, sir.

Q Do you know if they did it to your predecessor?

A That I wouldn't know, I wasn't in office at the time.

Q All you know is that during your time that management never said to you or requested of you additional apprentices, that they wanted additional apprentices?

A One or two did.

Q What happened when they asked you?

A They don't hire the men to cover them.

Q You mean the ratio of one to four?

A That's right.

Q Was that the reason you refused their request for apprentices?

A That's correct. If they hire four men throughout

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Q Was his application considered?

A It would be considered.

Q Was it ever considered?

A It was considered by me, yes, sir.

Q What did you do to it?

A I put it on file there.

Q With other applicants?

A That's right.

Q How long was it on file?

A Since the date.

Q Was it taken out of the file?

A No, sir. It was always in the file.

Q Was it ever your function to take this file and bring it before the committee on apprenticeship?

A Not at all.

Q Who does that?

A Nobody takes the file out.

Q Who takes the application out?

A I take the applications and I appoint the boys, period.

Q You take the application and you appoint the boys?

A That's correct.

Q To the apprenticeship school?

A That's right.

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Q Isn't there a committee that does that?

A No. I pick the boys and appoint the boys at the meeting. The bosses asked me how many apprentice boys were made in the committee and I tell them and that's all.

Q Isn't there a committee?

A Yes.

Q Does it function?

A It functions in different cases, but selecting the boys, I do it.

Q What does the committee do?

A They meet once a month in regards to the apprentices, how the school is getting along and if there is anybody doing their work and so forth.

Q Have they any right or authority to pick the boys or to choose the applicants?

A If they do they haven't done so since I am in office.

Q You picked them to go to school. Do they receive marks in school?

A Yes, sir.

Q Who marks them?

A Teachers.

Q Who furnishes the questions?

A Teachers.

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committee and sometimes they get a talking-to and sometimes they get fired out of the apprentice group.

EXAMINATION BY

COMMISSIONER KATZEN:

Q May I ask you a few questions about the responsibility of management members on this Joint Apprenticeship Committee? By one of the answers that you gave Mr. Commissioner Giaccone you said, "If they do have certain responsibilities."

What responsibilities have the management members of the committee in relation to approving or passing upon applicants for apprenticeship?

COMMISSIONER GIACCONE: He just said they don't pass on them.

Q What responsibility do they have?

A You better ask them that because I make the boys, I pick the boys and I make the boys, and then at a meeting I am asked how many boys I make and I tell them how many, period. Nobody ever questions me who they are.

Q You are the sole determiner as to whether an applicant can get into the apprenticeship training program?

A That's correct.

Q Where do you get your authority to be the sole arbiter as to this?

A It says in there that the union will designate the apprentices, in the contract.

Q Do you know where your authority stems from?

A Under the rules and regulations there.

MR. COHEN: That is part of the contract.

Q Would you know what part of the contract?

A The page?

Q Yes, or anything like that.

A No.

Q Would you be referring to Paragraph Fifth of Addendum A for the standard contract?

A It might be. I would have to look at it.

Q I will show you the standard contract that is an exhibit in evidence.

A That's correct.

Q You say your authority stems from Paragraph Fifth of Addendum A, page 18 of the standard form of union agreement; is that right?

A Yes.

Q Nobody else told you to assume that authority other than what you have fixed for yourself under this Paragraph Fifth; is that right?

A That's right.

Q So that in terms of passing upon the eligibility --

I want this restated again for the record -- of any applicant the management members have nothing to do with it, don't participate, don't evaluate, have nothing to do with the designation of these applicants for membership in the apprenticeship class; is that right?

A They never assert themselves in regards to it.

Q Why?

A I don't know, I couldn't tell you that. It has been going on for years.

Q Could they assert themselves?

A They could ask. Why not?

Q Have they ever asked?

A No, sir.

COMMISSIONER GIACCONE: Mr. Mulhearn, the provisions go further: It says that, "The apprentice candidate shall be designated by the union subject to the approval of the Joint Apprenticeship Committee."

They never approve or disapprove, according to you?

THE WITNESS: They ask me how many boys are made and I tell them.

Q Isn't it crystal clear that the management members of the apprenticeship committee acted as dummies with relation to designation of apprentices for membership?

Isn't that what it comes down to?

A. I wouldn't say that.

COMMISSIONER GIACCONE: Would you say they were absent dummies?

THE WITNESS: I wouldn't say they didn't take advantage for what is called for.

Q What is called for?

A They could ask for the names and applications of the boys, could they not, according to that?

Q Could they? We are asking you.

COMMISSIONER GIACCONE: Who are the boys; the apprentices or the members of the apprenticeship committee?

THE WITNESS: The boys I am talking about are the applicants for apprenticeship.

Q So that the approval that is talked about in this contract was one in name only but never in fact; isn't that so?

A That's correct.

COMMISSIONER RUIZ: Were you designated by the union as the person who would have sole responsibility for this or did you take it upon yourself?

THE WITNESS: No, sir. That has been going on for the history of the union.

Q Do you ask them to give you an arrest record if they have any?

A No, sir.

EXAMINATION BY

COMMISSIONER GIACCONE:

Q How many were there on that list in March of 1962 waiting to get on the apprenticeship school?

A At the present time I couldn't tell you. I think out of 278 --

Q How many were there in March of 1962?

A How many was on file?

Q Yes.

A I couldn't tell you.

Q Approximately?

A I don't know; about 600 or 700.

Q How many are admitted to the apprentice school every year?

A It is according to how many graduate; 40, 45, 50.

Q A year?

A 40 every six months, 45.

Q About 80 or 90 a year?

A Between 80 to 95 a year.

Q So it would take Ballard about six years to get to school, wouldn't it?

about the boy I will, but if I don't --

Q How often has that happened?

A Sometimes in school they drop out.

Q How often has that happened?

A They eliminate themselves, I don't eliminate them.

Q Let's say you find a reason. How often has that happened, that you have eliminated them?

A A couple of boys I eliminated from school because I figured they were taking dope.

Q Do you consult anybody before you say they eliminate themselves?

A Yes.

Q Whom do you consult?

A I had one case I brought up before the apprentice committee. He wanted to come back, he was taking dope and we gave him the opportunity.

Q Was that fellow already in school?

A Yes.

Q I am asking about those who have not entered the school yet. Do you consult anybody before you eliminate them or --

A (Interposing) No.

Q You are the absolute deciding factor?

A Yes.

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Q Have you ever considered increasing your classes in apprenticeship?

A Sure, if it requires it.

Q You say now you have a list of about 600. Wouldn't that be a reason for increasing your classes?

A No.

Q What would be a reason?

A If you have everybody employed full time and having more people put to work.

Q In other words, according to you now, you have two classes of about 40 or 50 each?

A I got ten classes.

Q Functioning, working?

A Yes, of 45 boys.

Q You make 400 or 450 a year?

A No. There are eight terms. In the eighth term there's so many boys and the seventh term there's so many boys and so on. They go to classes every day. The first term boy is one day and the second day and so on. Those are the classes I am talking about.

Q You graduate about 100 a year?

A Between 80 and 100.

BY COMMISSIONER KAIZEN:

Q When you see an applicant or meet an applicant

who you feel does not measure up, do you discuss that with any other officer of the union?

A Well, no, I don't. If I see the boy -- so far I haven't had any boys yet that didn't seem to measure up. The boys that called seemed to be all good boys. I am fortunate in that way.

Q You have never turned down any applicant for apprenticeship training?

A I have never turned down anybody.

Q In the years that you have been the recording secretary?

A Yes.

Q When we say "turn down," it means that you have refused to take their application?

A That's right.

Q When you take their application and you can't make them, as you say, appoint them right away, you put them on a list?

A Yes.

Q What are the criteria -- not the criteria, but what is the way this list works? It is a waiting list, isn't it?

A Yes.

Q To what extent is this waiting list created by

the relationship between the applicant and a member of the union? Tell us about that.

A They are mostly related somehow. It might be father and cousin, a brother.

Q That is the basic criterion you use?

A That's right. We never had anybody come in from the outside at all.

Q You must be related?

A You don't have to be related. Some are friends also.

Q I think the figures that were cited in this case were about 90 percent of the applicants that are related in one way or another to a member?

A Probably.

Q And about 10 percent or even less come in through some other recommendation or other channels?

A That's right.

BY COMMISSIONER GIACCONE:

Q Would you say that the reason for your good fortune in having all good boys is the fact that they are recommended by their fathers or their brothers?

A I wouldn't say that.

Q Why not? You say that is how you get them.

A I wouldn't say that. You are going beyond your means. I wouldn't care whether the boy has an uncle or cousin or

no relation at all. How did I get in? I got nobody in Local 28.

Q Didn't you say that at least 90 percent of these people are recommended by relatives?

A I didn't say that. This gentleman said that.

BY COMMISSIONER KATZEN:

Q Didn't you hear your own counsel and Mr. Rosenthal, counsel for one of the respondents, also mention these figures, that about 90 percent roughly -- they said 85 but we have established that 90 percent might be the closer figure. You heard that?

A Yes.

Q Would you say that is a wrong figure?

A No.

COMMISSIONER GIACCONE: That is the question I am asking you. Isn't it the fact that you might attribute what you call your good luck in hardly having to reject any of these fellows the fact that they are recommended by their fathers or brothers or relatives? Isn't that so?

THE WITNESS: I wouldn't say that. I take the boy as he comes, no matter who he is related to.

Q Are you saying for the record, Mr. Mulhearn, that the fact that the applicant is related is no factor

at all in your making them?

A I said it wouldn't stop me from making a boy if he wasn't related.

Q But the fact that he is related is a factor in his favor; is that right?

A I wouldn't say that. Some of them are not related and I make them. What are you talking about?

Q I am talking about 90 percent and 10 percent.

How do you get a list which consists of 90 percent relatives and 10 percent not relatives; how do you account for it?

A According to the time they come in there, when their applications are filed. If their applications coms along in 1961 and a boy is in 1962 I don't take the boy in 1962. If he is a friend he has just as much chance as a relation has with me.

BY COMMISSIONER GIACCONE:

Q Let me ask you this: We say 85 percent or 90 percent are recommended by relatives. The others are either recommended by what; by employers, by friends?

A Sometimes an employer, sometimes a friend.

Q Sometimes a politician?

A Sometimes a member. No politicians that I know of.

Q You are always dealing either with those who

are recommended, as you, yourself, say by relatives or by friends; is that right?

A That's correct. It is according to their applications, whatever their application states, whether it was a brother-in-law, an uncle, a cousin. We never had other people come into this local. If they did they would have it on file there.

BY COMMISSIONER KATZEN:

Q I would like to get this clear and straight for the record: Are you saying to the Commissioners that this local did not have a policy favoring relatives for admission to the apprenticeship training progr m? Can you state that yes or no?

A I don't do it.

Q Forget about the yes or no for a moment. As far as you know, wasn't this the traditional pattern and policy employed by the union? You have been in the union for thirty years.

A I never had nothing to do with the apprentices until I came in.

Q Then you don't know about this policy?

A I don't know. Only since I took office.

COMMISSIONER KATZEN: Any further questions?

COMMISSIONER RUIZ: Yes.

EXAMINATION BY

COMMISSIONER RUIZ:

Q Of those applicants that you have made -- I understand those were the ones approved -- do you remember the number of the applicants you made, approximately? Say 100? It has been a year and a half since you have been in office.

A In a year and a half I would say -- I don't know, maybe 130 or 140.

Q Of the 130 or 140 how many are Negroes?

A You know darn well there hasn't been a boy filed until this boy come, so, therefore, there were never any on file, so you know there were no Negroes, because they weren't on file until Mrs. Siegel sent one to me.

Q In other words, there were no Negroes accepted?

A We never had one file for an application, never.

BY COMMISSIONER KATZEN:

Q Did you ever see a Negro in that union?

A I saw two of them.

Q When?

A A long time ago, in the 1930's. We had two Negroes in there.

Q That you saw personally?

A I saw them personally at meetings.

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Q Would you know their names or their addresses or anything about them?

A No, I wouldn't know their names. They probably have the names on file.

Q All the years you have been a union member those are the only two you ever knew about?

A The only two I ever knew about in Local 28.

COMMISSIONER KATZEN: Mr. Kant, do you have any questions?

CROSS-EXAMINATION

BY MR. KANT:

Q As I understand your story, Mr. Mulhearn, you select apprentices on strictly chronological basis; is that correct?

A I try to do it.

Q If I said to you that at the time the Attorney General investigated your program they found approximately 365 applications where the applicants were within the permissive age group for selection, would you disagree with that statement?

A Probably it might be so, I don't know.

Q The applications that you have on file, have you weeded out the ones that are over-age now?

A No.

COMMISSIONER KATZEN: The hearing is resumed. Continue, Mr. Kant.

MR. KANT: First I wish to apologize for my ineptness in not finding the names on here. There are two columns and I thought there was just one and I was looking at the left-hand column alone.

COMMISSIONER KATZEN: In interrogating this witness, you continually refer to lists which are before the witness, but we don't seem to have specific identification of each list. It might be helpful if you could in your further questioning refer to each list as an exhibit.

MR. KANT: Perhaps it would enable everyone to follow this if I told you the papers I have in my hand and what we are working with.

COMMISSIONER KATZEN: Identify the papers you are continually showing this witness and questioning him about.

MR. KANT: Table 4 is Complainant's Exhibit 20, it is a chronological list of all the applications which were on file with Local Union 28 up to the time of Ballard's filing on March 23, 1962. Mr. Ballard is No. 365 on that list and there are

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in addition 25 names for which there are undated applications, so that in all they number from 1 to 365, ending with Ballard, plus 25 unnumbered, a total of 390, and the testimony of Mr. Florich was that these were all alive, meaning that all the applications were of applicants who were still in the permissive age range for selection. That is the chronological list, Complainant's Exhibit 20.

In addition to that I was working with Complainant's Exhibit 21, which was a July, 1963 list, the last class that was selected, and some of the names, frankly, I couldn't find because of my own fault, and some of them apparently are not on the list. This was the last class that had been selected.

Now I will turn to two other lists. I will be working with Complainant's Exhibit 15, which is a list of the applicants admitted in June, 1962, which I believe is the first class that Mr. Mulhearn selected, and then another table, which is Complainant's Exhibit 17. This shows the January, 1963 class, the names and dates of application.

Now, what I have been doing is to select some

names on these lists and trying to elicit from Mr. Mulhearn the reasons why the names that were selected and particular classes were selected over some others which I believe were passed over.

COMMISSIONER KATZEN: In other words, you are now attempting through interrogation of this witness to show that there was no adherence to chronological appointment?

MR. KANT: Yes.

Q This is a list of June, 1962 selectees, Mr. Mulhearn. The first name on that list is a gentleman named William Bettini, who filed in September, 1961, no particular day. You will find him at 287 on the list here, I believe, now on the chronological list.

Can you tell us why Mr. Bettini was selected over those of the 286 ahead of him who fell within a permissible age range and who had not been selected for training?

A As I told you before, I just couldn't tell you why or how. Some of these boys here are jumped over and probably some of these people that have applications in here, they follow up the applications that they put in more than other members do or other people, and that is the only reason why.

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Sometimes, as I told you before, some boys are in service, sometimes -- I don't know, I just do the best I can with it, period.

Q Would it be fair to say that of the 286 who were ahead of Mr. Bettini that at least 200 of them are still in your files?

A Still in my files? I think they are all in my files, I couldn't tell because I haven't seen them.

Q I point out the name to you of Cliff Mulhare, who filed an application on November 7, 1961 still with the selectees for June, 1962. I think you will find him at No. 300 --

A (Interposing) 317, isn't it?

Q No. 307. Again can you tell us why you would be selecting No. 307 out of a list of 365 and passing up the 306, some of whom I presume are still in your active files?

A No, sir, I could not.

Q Now, Mr. Mulhearn, you follow chronological order --

A (Interposing) I didn't say that. I said I try to.

Q Can you tell us what is the date of filing on Carmine Brachia? I show you Mr. Brachia's name on the top of the list of the undated applications on page 7 of the

chronological list.

Would you dispute that that is an undated application?

A It probably is, I don't know.

Q Do you have undated applications in your file?

A I did have, in 1961, I got them in 1961, I think, and 1962.

Q Is Mr. Brachia presently in your apprenticeship training program?

A I believe he is.

Q He was selected off an undated application; is that correct?

A That's right. He was in with the 1961 applications, we put them in according to year. If that was taken during McConnell's time, I don't know. I wasn't there in 1961.

MR. KANT: I would state that the other list will show the same thing.

Is there any argument about that?

MR. COHEN: Leave that for the brief. The evidence speaks for itself.

MR. KANT: That is all I have.

COMMISSIONER KATZEN: Any further cross-examination, Mrs. Siegel?

MRS. SIEGEL: Yes.

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Q Since you have become recording secretary has any colored fellow or Negro fellow other than Ballard come into the office of Local 28 seeking an opportunity to enter the apprenticeship program?

A Yes.

Q Who has come in, when, and would you please tell us all about it?

A I couldn't tell you the dates.

Q How many have come in?

A I believe two colored people came in. I think one Spanish boy came in.

Q Let's take the colored boys first: Did they come in together?

A No. They came in separately.

Q When did the first one come in?

A I don't know if he might have come in in June; he came from Alabama.

Q Of which year?

A 1963.

Q Do you recall his name?

A No, I couldn't tell you his name.

Q Did he fill out an application form?

A He did.

Q Was that one of the applications that was

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subpoenaed for this hearing?

A. What was that?

Q I believe that was one of the application forms that was subpoenaed for this hearing.

A Yes.

MRS. SIEGEL: May we ask the union to produce that application?

THE WITNESS: You have them all here. Do you want to see the application of this boy now?

MRS. SIEGEL: Yes.

THE WITNESS: One from Virginia and one from Alabama.

MR. COHEN: Mrs. Siegel, would you rather continue or wait?

MRS. SIEGEL: It would be helpful for Mr. Mulhearn to refresh his recollection as to whether any Negro boys have come in to apply since he has been recording secretary.

COMMISSIONER KATZEN: I think there is one that has been found.

Mr. Mulhearn, look at that one that is being shown to you by Mr. Cohen.

THE WITNESS: No, that is not it.

COMMISSIONER KATZEN: Off the record.

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(Discussion off the record.)

COMMISSIONER KATZEN: Proceed, Mrs. Siegel.

Q Have you been able to locate application blanks showing applications by Negroes for apprenticeship opportunity since Ballard's application?

A Here is one of them here and the other one they are looking for.

MRS. SIEGEL: I would like to have this one, an application for Rudolph W. Thomas, marked as Complainant's exhibit next in order.

COMMISSIONER KATZEN: In evidence or for identification?

MRS. SIEGEL: I would like to mark it for identification first.

COMMISSIONER KATZEN: It will be received and marked for identification Complainant's Exhibit E for identification --

MR. ROSENTHAL: Accept it into evidence and mark it in evidence.

MRS. SIEGEL: I offer it in evidence.

COMMISSIONER KATZEN: This document is received in evidence and marked Complainant's Exhibit No. 33.

(Application of Rudolph W. Thomas was received

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in evidence and marked Complainant's Exhibit 33, as of this date.)

COMMISSIONER KATZEN: What is the applicant's name?

MRS. SIEGEL: Rudolph W. Thomas.

MR. KANT: What is the date on it?

Q Will you consult the application and testify for the record as to when this application was filed?

A July 30, 1963.

Q I note that clipped to the Thomas application is a mimeographed sheet bearing a caption, "New York City Department of Labor, Apprentice Training Information Center, Referral Slip."

Do you note that?

A I saw it.

Q Does this indicate that Mr. Thomas had been referred to Local 28 by the New York City Labor Department office?

A It probably is. He brought that up to me.

Q You indicated that you had more than one Negro applicant who has come in since Ballard?

A Two. There is another one.

Q What was his name?

A That I couldn't tell you.

Q About when did he come in?

A Maybe a month before this fellow here, from Virginia.

Q Who referred him to Local 28?

A The same people.

Q Also the New York City Labor Department?

A That's correct.

Q Are both of these applications in the active file at Local 28?

A That's right.

Q Do you know about what number, approximately, they are on the waiting list, about how many hundreds down the list?

A I couldn't tell you. In 1963 I didn't even look at it yet.

Q Weren't there other Negro applicants that came in even in the year 1962?

A Not to me.

Q Not to you?

A No.

Q Do you recognize the name Heyward James?

A No.

Q Didn't you testify a few minutes ago that if any Negro came into Local 28 asking about an apprenticeship opportunity you would be likely to know about it?

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A I would.

Q But you don't recall a visit to Local 28 from one Heyward James sometime in or about October, 1962?

A October, 1962? No, I wouldn't, I don't recall it.

Q Do you recall that also in 1962 you had a Negro boy who came in from the outside not referred by anybody in particular who told you he had come from Virginia?

A No, I don't recall it. For apprenticeship?

Q For an apprenticeship opportunity, or do you recall one who came in for a journeyman opportunity?

A No. They may have come in for a journeyman, they may have made out an application, but apprenticeship, I don't recall it.

Q Do you recall any Negroes who have come in since you have been recording secretary seeking an opportunity to be journeymen?

A I have had some lately.

Q What about 1962?

A I don't recall.

Q You don't recall any Negroes who were in seeking an opportunity as journeyman?

A I don't remember.

Q By "lately," you mean the summer of 1963?

A That's right.

Q Seeing the eight years of grammar school, the four years of high school and the four and a half years of Air Force service and the age of twenty-one, did you ask Mr. Ballard how he encompassed all that experience within his twenty-one years?

A No. I asked the Attorney General that.

COMMISSIONER KATZEN: Any other questions?

MR. KANT: Yes.

COMMISSIONER KATZEN: You said, "One," Mr. Kant.

MR. KANT: That was on this.

Q Mr. Mulhearn, do you know when Local 28 received its charter?

MR. ROSENTHAL: I object. This is improper redirect examination.

A I don't know. 1910 or 1908 or 1912, I don't know.

Q Do you know whether Local 28 had an apprentice program from the time it received its charter?

A The only thing I know, they had an apprentice program since I came into it.

COMMISSIONER KATZEN: That is over thirty years ago?

THE WITNESS: That's right. I was a helper first and then I was an apprentice boy.

COMMISSIONER KATZEN: Mr. Kant, isn't there

Mr. Rosenthal.

COMMISSIONER GIACCONE: I don't quite share his opinion.

COMMISSIONER KATZEN: Of course not, but he made it as a comment. I don't agree with it at all, about the significance of this.

In any event, it is our understanding from what has been said here by either counsel or some representatives in court that this union goes back as far as seventy-five years, approximately. It certainly has been in existence for much over thirty years because this witness has been in this union for over thirty years and the apprenticeship program has gone hand in hand --

THE WITNESS: I think they had a different local number after the 1912 strike. I think after that strike Local 28 come into effect and before that it was the same people but a different local.

MR. KANT: I think with the agreement of counsel I would like to offer in evidence a letter dated December 5, 1963 from the State Department of Labor, signed by Herbert W. Crispell, Deputy Industrial Commissioner, which states that since 1955 there have been in the apprenticeship program

of the Sheet Metal Workers Local Union 28, 1343 persons --

COMMISSIONER KATZEN: Since when?

MR. KANT: 1955, and the records for the years prior to 1955 are no longer available.

MR. ROSENTHAL: No objection.

MR. COHEN: No objection.

COMMISSIONER KATZEN: Admitted as Complainant's Exhibit No. 38 in evidence.

(Letter dated December 5, 1963 was received in evidence and marked Complainant's Exhibit 38, as of this date.)

Q Mr. Mulhearn, you have testified that there were between 80 and 100 apprentices made per year over the last several years. We have the figures going back to 1955.

Can you give us an estimate of the number of apprentices that went through the program for the years 1945 to 1955?

A No. I wasn't working there at that time. I was working with the tools on the outside. I didn't know what went on, who was apprentices and who wasn't.

MR. KANT: I wonder if counsel could supply that information?

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is a non-profit organization, which published two of the tests involved; and I would say the litigation involved :: that issue rather than the layman's interpretation, as with Commissioner Gross, and I do not mean to be personal about that. I have no idea whether you are an attorney or not. This is what the case is about. As of this moment -- and I complained a little bit; not too much -- we are having personal interviews at the Hotel Roosevelt of 120 boys. Last night, on a rush basis, we had physical examinations of the first 75, at St. Vincent's Hospital. Traditionally up to now, the scoring is 750 by NYU and 150 on a personal interview. Unless the fellow walks in with one leg or one arm or he is taking dopein front of us, we practically give him routinely 150 points. That is an attempt on the part of the Joint Apprenticeship Committee to say, in essence, "NYU, you are running the show. We are not going to interfere," and that is what followed in the first two examinations and will be followed this morning. The examinations are going ahead pending a determination by the Appellate Division of whether or not it will stay, pending our appeal, this appointment. So that, at the moment, we may have the class appointed in the

replenishing our journeymen used by Local 28 as of this time, subject possibly to some transfers from other locals, craft locals, we call them, as distinguished from production locals.

MR. VALLON: And you are saying that you admit no journeymen at all except through the apprenticeship program and perhaps through some transfers.

MR. FARRELL: That is correct. This is our method of doing it right now.

MR. VALLON: How long has that method been in effect?

MR. FARRELL: We haven't had any need for a meeting of our examining board since 1958 or 1959. We have had sufficient number of journeymen sheet metal workers and we had a large apprenticeship program and those who have graduated from the apprenticeship program automatically came into the local union and, with the retirements, et cetera, we find we were able to maintain through our apprenticeship program a sufficient number of qualified sheet metal workers throughout the industry.

MR. VALLON: Do you have an examining board?

MR. FARRELL: Not at the present time. Two of the members of the examining board are deceased. The late William Hawks and the late Charles Hanson,

and Edward Mitchell, he is retired, and that board has not convened since 1959 and we have no need for convening that board since that time due to the fact that we had always had a sufficient number of journeymen sheet metal workers to meet the requirements of the industry.

BY MR. VALLON:

Q Most of the union presidents who testified, have told us that their examining boards are elected as part of the general election process, when officers are elected.

A That is not the policy of this local union.

Q Has it ever been?

A Never has been.

Q The members of the examining board were appointed?

A That is correct.

Q By whom?

A Formerly by the man -- the general president of our local union, our International president, Edward F. Carlowe, who was president before I was president. The committee was appointed by Mr. Carlowe. They continued to function under my regime, which was July 1, 1951, until the last meeting of the board that we had and they have since -- two of them have since become

deceased.

Q As a matter of parliamentary procedure, would you say that the members of the Executive Board continue in office until they are replaced or until it is formally disbanded?

Now, has your examining board been formally disbanded?

A (No response.)

Q I would like to know is there an examining board in existence. Whether or not it has been convened is another matter.

A No. The difference between an executive board and examining board --

Q I mean the examining board. That was a slip of the tongue.

A The examining board was appointed and I continued that examining board upon assuming the responsibility as president of this local union.

Q What year was that?

A 1951. July of 1951.

Q How many members were there?

A There were three members on the examining board: The late William Hawks, the late Charles Hanson, and Edward Mitchell, who is presently retired. They were the examining committee that examined the last group of

people who came into Local 28.

Q So the members have gone their way and there have been no replacements?

A There have been replacements through the apprenticeship program.

MR. COHEN: No. The examining board.

THE WITNESS: The examining board has not been replaced to date.

COMMISSIONER GROSS: Is there a provision in this constitution that governs the selection of an examining board?

THE WITNESS: I don't believe so. I do know that, as president of this local union here, I appoint the committees.

COMMISSIONER GROSS: If there should be any need at any given time, you have the authority to appoint such an examining board and keep it as long as you feel there is need for it?

THE WITNESS: That would be procedure in accordance with the membership meeting. I would bring it before them and I would get the authority for the appointment.

Q The ninth and last item on the subpoena --

MR. COHEN: Before you get to that, may I ask something. Mr. Farrell and I both said we rely on

think we gave you the present membership.

MR. VALLON: 2,820.

MR. COHEN: That is active working ones and then look below.

MR. VALLON: Pensioners 463.

MR. COHEN: Yes. We have a total on the books active and non-active, 3,505.

CHAIRMAN LITTER: In 1963, you had approximately 3,500?

MR. COHEN: About, yes.

THE WITNESS: Approximately.

MR. COHEN: At the moment, we have active working members 2,820 and we took this from our welfare pension rolls, which means current contributions are being made for these people at least within the last quarter, within that period, for unemployment.

COMMISSIONER GROSS: May I ask: As far as standards are concerned, is there any difference between the standards of Local 28 and 137 and 400, as far as the hourly rates and other standards of employment? Are they approximately the same?

THE WITNESS: You mean the rate of pay?

COMMISSIONER GROSS: Yes.

THE WITNESS: The rate of pay and conditions are far different between Local 28 and other local

unions, Local 137, the sign industry. In the sign industry, I would say that they have a high rate of pay for those people in the sign industry. That would be, I'd say, that would commence with what our rates of pay would be, or the equivalent of other trades in the construction industry, for those members who are engaged in the sign industry.

With reference to those people who work as assortment workers or the others, that is a lower rate of pay. I just don't know the rate of pay of those local unions, of either of those local unions, but they are substantially below.

With the exception of the sign industry, they are substantially below the rate of pay in our local.

COMMISSIONER GROSS: I would like to ask a question off the record.

(Discussion off the record.)

BY MR. VALLON:

Q Keeping on with our discussion as to the type of work done in the work jurisdiction, I have here a paper which has been published by your organization. It is captioned, "Sheet Metal Workers International Associatio. Local Union 28, New York City, July 1, 1965," and there is a list of firms employing members of the

MR. COHEN: But what you do have generally involves custom work.

THE WITNESS: Custom work. It is custom-made work and the jurisdiction of installation of these kitchens is a two-fold jurisdiction. Sheet metal work goes to the sheet metal worker and the plumbing goes to the plumbers and the steam table goes to the steamfitters, et cetera. All this makes up for a kitchen.

Q In the statistics you were good enough to furnish us, there is a statement of fact that throughout the apprenticeship program until 1965 there were no Negro members of such program.

A That is right.

Q Would you care to explain to us why, or would you care to offer an opinion?

A I would be at a loss for words to tell you why. I appeared one time with counselor Cohen before the Department of Labor in Washington, D. C., before Secretary of Labor Wirtz, and I gave as the reason for us not having any Negroes in the local union is that we had no applications from Negroes for admission to the local unions, and the Secretary said that he wouldn't accept that as a reason, so I couldn't change his reasoning; yet, at the same time, I couldn't change my reasons because I told the

truth. We haven't had, up to that time.

Q Did the applications for the apprenticeship program call for recommendations by members perhaps under your prior system?

A It did. It provided for a sponsor for the applicant for apprenticeship.

Q And the sponsor had to be a union member?

A Not necessarily.

Q Were they usually union members?

A Usually they were.

Q And yet, in 1965, with the advent of the objective tests, you did get applicants?

A Well, that was in accordance with the agreement that we made with the court.

Q But now they are coming?

A In accordance with the court order, we publicized it to the unemployment insurance offices, to the Board of Education, and they were publicized and they come now, yes, surely.

MR. COHEN: They are also solicited by interested groups, as our application indicates. They come from all over the country for applications to our program.

COMMISSIONER GROSS: Outside of the Negro question and outside of the Puerto Rican problem, in the past, what was the composition of your local

there would be no favoritism within the framework of the members of Local 28 to another, but I will say, without hesitating at all that, as far as we are concerned, in the office of Local 28 we do not practice favoritism with reference to a man seeking employment.

CHAIRMAN LITTER: What are the qualifications to apply to the Paramount Club?

THE WITNESS: It is an incorporated club, the Paramount Club of Sheet Metal Workers. You are a member of Local 28.

MR. COHEN: Any qualifications?

THE WITNESS: There are no qualifications other than that you are a member of Local 28.

BY MR. VALLON:

Q Mr. Farrell, I would like to go back to the question of the blow pipe workers and the question of possible conflicting jurisdiction.

Am I correct in saying that, in 1965, a number of shops were unionized in the blow pipe industry and those shops were offered to you by the International, the members were offered to you as new members.

Is that so?

A No, it is not so. In 1965 --

Q Maybe it was 1964. The year may be wrong, but

were you offered a number of non-union blow pipe shops that were unionized and offered to you by the International to take them within your jurisdiction?

A Yes, we could have.

Q Were you offered that?

A We certainly were.

Q What was your reaction?

A Very simple one. The rates of pay in the blow pipe industry are substantially below the rates of pay to Local Union 28. Of all the people that would be employed in the blow pipe industry, I'd say there are maybe 200, if there are that number in the blow pipe industry, and of those 200 people that would come in, we were not going to jeopardize our standards and our jurisdiction by having a split jurisdiction between the blow pipe industry with one rate of pay and the construction industry with another rate of pay. We could have had that blow pipe industry back many, many years ago.

So long as you are bringing that up, I will talk with you about it. The same matter was brought up before the membership of Local 28 as to whether or not we should organize those blow pipe shops, going back 20 odd years ago, and the answer was no, we didn't want to take them in there because we didn't want a differential in the wage rate. Just that pure and simple, a differential

in the wage rate. The wage rates in the blow pipe industry probably might be, for a fellow that has exceptional ability, might be $4.50, it may be $5 an hour but he would only be one; and they work with helpers and we don't have any helpers; only registered apprentices.

They might have two mechanics going out with four or five helpers going out. That would be breaking down the condition of our local union with reference to rates of pay and working conditions. This would be the motivating factor in here.

Q Mr. Farrell, did you know at the time, that the ethnic make-up of the non-union shops that were unionized was probably 50 per cent non-white?

A I didn't know the ethnic make-up of them. I know that there were a lot of non-white people working there but the motivating factor with Local 28 was the difference in the wage structure and working conditions that we had.

MR. COHEN: Mr. Farrell, have you in recent years in Local 28 rejected all the jurisdiction of the non-union shops, of other trades other than blow pipe?

THE WITNESS: We have already refused to organize trades in our own industry, doing the

air conditioning work, for the simple reason we knew that they were not paying the prevailing rate of pay. You take a man that is applying, coming in and he is paid $3 or $3.50 an hour and he comes in and says, "You want to organize that section", and all of a sudden he is going to increase his pay from three or three and a half an hour to $6 an hour. You are only penalizing somebody like that. You are giving him union men who could not do union work.

BY MR. VALLON:

Q Didn't the question of ethnic make-up of the non-union shops come up as a question for discussion either at your union meeting or the meeting of the executive board?

The question of make-up?

Q Yes.

A Let me say that the executive committee or officials of Local 28 knew that there were --

Q I am asking --

A I am just telling you. You are asking me a question. I am trying to tell you.

We knew there were non-white people in that industry in there, but the motivating factor here in not accepting them is the fact that we didn't want any change in our wage structure or in the working conditions because you

probably know that I sat in at one of these meetings.

Q Yes, I do.

A (Continuing) I sat in at one of those meetings in here on that, and the question of jurisdiction came up and the wage structure came up and we wouldn't have anything to do with them because of the wage structure, and this is the wage structure and the working conditions.

Q Mr. Farrell, let me ask you this question:

There are many, many sheet metal worker unions throughout the country, members of the International. Isn't it customary or isn't it practically the accepted rule that construction unions accept as part of their regular meetings blow pipe workers, and that your union is practically the one exception?

A No, it isn't the one exception at all. I can tell you that out in Chicago the blow pipe industry comes under the construction branch of the industry and they pay the same rate of pay and the same working conditions.

Q And when they were unionized they didn't have the same rate of pay but the wage differential was brought up to par.

A That is correct. I will tell you about Chicago.

In Chicago, the blow pipe industry is under the construction industry, although not entirely. When it was

first organized under Local 73, it was not.

Q But they took them in.

A But they took them in. They also have another local union in Chicago by the name of 115, that does the same type of work that 137 does, electric signs, kitchen equipment.

MR. COHEN: Mr. Farrell, do you have within 28, any differential rates, any type of work that your jurisdiction covers?

THE WITNESS: We have just one. That is in the calamine branch of our industry, that employ about maybe 20 men.

MR. COHEN: What is the amount?

THE WITNESS: Ten cents an hour less than our men make, and this is going back --

MR.COHEN: Would you say that in the last -- since you have been president, that Local 28 has rejected many opportunities to organize sections of theindustry which may come within your jurisdiction, because you would not set up a differential in rates and working conditions?

THE WITNESS: That is correct.

BY MR. VALLON:

Q Is there a sheet metal workers union in Long Island, Mr. Farrell?

A Local 55, Nassau-Suffolk County.

Q Construction?

A Yes.

Q Do they do blow pipe?

A I don't know of any particular blow pipe shop out there.

Q But they take blow pipe men in?

A I don't think so.

Q Mr. Farrell --

A They do blow pipe, construct blow pipe on the outside. I don't know of any shops.

Q How about Syracuse?

A I don't know the combination of that local.

Q Do you know of any construction union other than yours that refuses to take blow pipe workers?

A I couldn't answer for the other local unions.

Q What would you say about the relative competence of a blow pipe worker and a sheet metal worker?

A About the --

Q Competent to do the general sheet metal work. Even though we don't give them the name "blow pipe worker", but we are doing it because there happens to be a difference in the name. Therefore, I am saying, is there much difference in the capability and competence between the sheet metal worker in Local 28 and the blow pipe worker

in the Chicago local that was taken in?

A I would say the work is similar in type. The work would be similar in type.

CHAIRMAN LITTER: People of the same approximate years of experience and capabilities, would you say there is not any difference in the general make-up of either one?

THE WITNESS: In the blow pipe industry, they usually have one or two key men and then the rest of it happens to be different categories. They have a schedule.

In the sheet metal industry, we have many key men in the sheet metal shops. Some small shops might have only one or two key men, but, in the blow pipe industry, in the City of New York, I'd say that they have approximately maybe about 200 employees, taking it as a whole.

Now, in the whole complex that they have, they probably might have -- I think there are about three blow pipe shops in there that are of any magnitude at all, and I think Brooklyn Blow Pipe and Meadow Blow Pipe people are the principals. These two companies were the principal ones. I don't know what the composition of the personnel is that they have in there.

about it.

Now, isn't that the situation; it is an anomoly, isn't it?

A When any member of this International Association, joins this International Association, he joins it with the understanding that he is going to be guided by the provisions of this constitution. That is what he is guided by.

Q The provisions of the general constitution also say that it shall decide the general jurisdiction and, in the case of those blow pipe workers, the president came to you because he thought the blow pipe workers were evidently construction men and asked you to accept them and you people turned them down and relegated them to a production unit that had never had blow pipe workers before.

As a matter of fact, I am sure it is no secret to you that they never had an apprenticeship program before and they had to prepare a new apprenticeship program. Isn't that so?

A The general president of this International Association, he decided what local union was going to have jurisdiction over the blow pipe industry.

Q Who was he?

A The general president.

Q Yes?

A This local union refused to take them because we didn't want to break down the conditions. I don't want to be repetitious. I have told it to you before; that we didn't want to break down the working conditions, the wage rates, fringe benefits and working conditions of the members of Local 28 by causing a differential in here, and we didn't object to them being placed in Local 400.

Q Even at the risk of being repetitious, so we can tie two thoughts together, you did tell us and agree that in the Chicago local, where they took blow pipe workers in at a salary which was lower than the construction scale, the local itself proceeded to raise the scale and eliminate the wage differential.

A That was the autonomy vested in that local union.

Q That is what they did?

A They did that.

Q As one who was concerned with the problems in the industry and in the City, may I pose a general question for an opinion?

A Sure.

Q A number of youngsters from the non-white group have finally succeeded in getting into an apprenticeship program sponsored by your union, starting with

MR. COHEN: May I state for the record that Local 28 is part of a team and that is the Building and Construction Trades Council, and we are going to be part of the formulation of a policy. We will not set up individual policy.

MR. VALION: Off the record.

(Discussion off the record.)

MR. VALION: I move we adjourn.

(Whereupon, the hearing was adjourned at 12:55 p.m.)

Exhibit 24

Defendant Local 28's Answer to Interrogatories

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Exhibit 26

United States of America's Second Set of Interrogatories to Defendant Local No. 28.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Ex. 28

LOCAL 28's SUPPLEMENTAL ANSWERS

Interrogatory 10 (continued)

Peter Campisi 125 Tuxedo Parkway Newark, N. J.	152-44-6608
Anthony Capraro 802 West Wellens Street Philadelphia, Penna.	184-32-8637
John Chapman 1337 S. Banner Avenue Indianapolis, Indiana	317-05-2279
R. E. Charles 207 West 2nd Street Lexington, N. C.	238-52-4087
Edwin Checks 324 Hulett Street Schenectady, N. Y.	069-20-2449
Alfred Clark 43 Redfern Street Asheville, N. C.	245-48-6520
Don Clothius 176 Stonefield Road Syracuse, N. Y.	093-34-0440
Jay Cole 939 Drexel N. Indianapolis, Indiana	533-30-1054
Fred Collingswood 201 Carriage Lane- Apt. 104 Garfield, Ohio	281-42-2593
William Connolly 35 Cokesbury Road Lebanon, N. J.	154-36-4973 (11/1/72)

Ex. 29
LETTER FROM Bogen TO ADAMS

ICKSTEIN, LURIE, OSTRIN & LUBELL

"Anthony Marchese." Mr. Marchese is Caucasian.

(c) "Gonzalez," (William) was a minority member of the class of July 1969, and Local 28 and JAC have so indicated and reported. The name "Gonzales" that is listed as the eleventh name on Page H appears to be a misspelling.

(d) "Malone," (Walter) was a minority member of the class of July, 1969. His minority designation was inadvertently omitted from Chart No. 2.

(e) "Maloney," (John) is Caucasian. He was inadvertently reported as a minority apprentice by JAC to the BAT.

(f) The listing by JAC of the status of "Counts," (Barry) and "Smith" (Alvin) as "(susp.)" is correct. Local 28 has no records or information regarding the status of apprentices, and, accordingly, this information was not included in the Answer to Interrogatory 107. "Counts" and "Smith" were suspended subsequent to JAC's report to the BAT.

(g) "Soto," (Peter) was a minority member of the class of July 1969. His minority designation was inadvertently omitted from Chart No. 2.

(h) "Thompson, H." originally was a minority member of the class of July 1969. He was thereafter suspended and reinstated in the class of July 1971.

(i) "Vega," (Ramon) was a minority member of the class of July 1969. His name is listed, however, in the test scores prepared by Stevens Institute as "Ramon Vega Candalaro."

(j) "Alicea," (Miguel) was a minority member of the class of July 1969. He withdrew from the Apprenticeship Program to enter military service prior to JAC's report to the BAT.

(k) "Currie," (Chris) was a minority member of the class of July 1969. He withdrew from the Apprenticeship Program prior to JAC's report to the BAT.

970

Ex. 31
LETTER FROM BOGEN TO ADAMS

L BOGEN
ATTORNEY AT LAW

Taggart D. Adams, Esq. -21- October 11, 1974

Interrogatories 3 and 4

EMPLOYER, ADDRESS & DATE OF ORGANIZATION	EMPLOYEE MEMBERS	ORGANIZING MEMBER
Brumar Sheet Metal 685 Park Avenue Brooklyn, N. Y. 11206 April 1973	John Huey (W) 31 Havenwood Rd. Staten Island, N. Y. 10301 067-32-5620	David Ross
	Guenther Boschen (W) 304 Monmouth Ave. Neptune, N. J. 07753 147-30-9989	
	Gabriel Williams (B) 224 East 58th St. Brooklyn, N. Y. 11203 094-44-5208	
	Geoffrey Wint (B) 250 New York Ave. Brooklyn, N. Y. 11216 124-44-6234	
Menard Corp. 72 Delavan Street Brooklyn, N. Y. 11231 April 1973	Dominic Scamardella (W) 211 Pierron St. Northvale, N.J. 07647 071-32-7487	Sam Elnick
	George Gdowski (W) 4436 Byron Ave. Bronx, N. Y. 10466 087-36-9339	
Sepia Roofing Contractors 103-17 Rockaway Blvd. Ozone Park, N. Y. 11420 July 1973	None	Gus Pasquinucci

971

EMPLOYER, ADDRESS & DATE OF ORGANIZATION	EMPLOYEE MEMBERS	ORGANIZING MEMBER
G. & W. Sheet Metal, Inc. 224 E. 58th Street Brooklyn, N. Y. 11203 October 1973	None	Gabriel Williams
J & B Sheet Metal Works 1057 Park Avenue Long Island City, N.Y. 11101 February 1974	None	Bennie Newton Jerry Cutler
S.J.G. Roofing Co., Inc. 211 E. 123rd Street New York, N. Y. 10035 February 1974	Malichi Mashack (B) 144-35 224th St. Laurelton, N. Y. 11413 247-58-3490	Gus Pasquinucci

All of the above-listed employers are owned and/or operated by Blacks, except the Menard Corp.

Interrogatory No. 5

During the years 1973 and 1974 no company requested organization by Local 28 which Local 28 did not organize.

Interrogatory No. 6

During the years 1973 and 1974, the International Association of Sheet Metal Workers did not direct, recommend, suggest or request that Local 28 organize any company or group of companies.

Interrogatory No. 7

During the years 1973 and 1974, the International Association of Sheet Metal Workers directed that the following two persons, who are Caucasian, be accepted for transfer into membership of Local 28

Exhibit 34

Opinion and Award by Theodore W. Kheel dated May 9, 1969.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Exhibit 35

Opinion and Award by Theodore W. Kheel dated October 10, 1968.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Ex. 37

U.S. DISTRICT COURT
FILED
JUNE 25th, 1969
12:43 p.m.

MOTLEY, D.J., DECISION S.D. of N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- -x

In the Matter of the Arbitration between :

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC., :

and :

MECHANICAL CONTRACTORS ASSOCIATION OF NEW YORK, INC., :

69 CIV. 2437

Petitioners, :

and :

LOCAL UNION NO. 28 OF SHEET METAL WORKERS INTERNATIONAL ASSOCIATION OF GREATER NEW YORK, :

Respondent. :

- -x

APPEARANCES:

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Samuel Harris Cohen, of Counsel

Attorneys for Respondent
Local Union No. 28 of Sheet Metal Workers
International Association

CONSTANCE BAKER MOTLEY, D.J.

DECISION ON MOTION TO CONFIRM AND ORDER

Petitioners move this court for an order confirming two awards made by an impartial arbitrator pursuant to the provisions of a collective bargaining agreement (the agreement between petitioners (the employer associations) and the respondent (the union).[1/] The motion is granted and the awards are confirmed.

The union opposed confirmation of the awards on three grounds: 1) the arbitrator exceeded his power in making the awards; 2) the arbitrator so imperfectly executed his power that a final and definite award upon the subject matter submitted was not made; and 3) the awards and the proceedings were contrary to the applicable provisions of the agreement. The court concludes that the first and third grounds are essentially the same since they go to the power of the arbitrator

under the agreement. The union asks that the awards be vacated and modified.

This court has jurisdiction and power upon this motion to confirm, vacate, or modify these awards. In exeising its power, this court is barred from ruling upon the merits of the awards and from substituting its interpretation or construction of the agreement for that of the arbitrator. The court is limited to determining: 1) whether the opinions rendered and theawards made were within the authority granted the arbitrator by the terms of the agreement; 2) whether the arbitrator's opinions and awards draw their esrence from the agreement, and 3) whether the awards are definite enough to be enforceable. United Steelworkers of America v. Enterprise Wheel & Car Corp., 363 U.S. 593 (1960); Textile Workers v. Lincoln Mills, 353 U.S. 448 (1957), The Torrington Co. v. Metal Products Workers Union Local 1645 UAW, AFL-CIO, etc., 362 F. 2d 677 (2d Cir. 1966): Medo Photo Supply Corp. v. Livingston, 274 F.Supp. 209 (S.D.N.Y.1967), aff'd. 386 F.2d 451 (2d Cir. 1967), Newark Stereotypers' Union v. Newark Morning Ledger Co., 261 F. Supp. 832 (D.N.J. 1966); 29 U.S.C. 185 (a).

The court holds that each of the foregoing questions must be answered in the affirmative upon the record and briefs before it.

The arbitrator's authority under the terms of the agreement is definied in Article IX. This Article provides for a reference, in the first instance, to a Joint Adjustment Board of "all matters of controversy or dispute arising out of the operation of (the) agreement or affecting relations between the parties thereto which cannot be settled by the duly authorized representative of the Union and the employer directly involved." (Article IX, Sec. 1). If the Board is "unable to adjust or settle any such controversy or dispute by conference or negotiation after one meeting, such controversy or dispute shall be immediately referred to a representative chosen by the Employer Associations, parties to the agreement, and one representative chosen by the Sheet Metal Workers International Association for adjustment or settlement by conference." (Article IX, Sec. 2). If such representatives shall fail "successfully to adjust or to settle the controversy or dispute within 24 hours" after its meeting, then the employer associations or the union may demand arbitration. (Article IX, Sec. 2). The arbitration is to be held before an impartial arbitrator named in the agreement. He is empowered to "hold hearings and reach a determination with all due speed, but not later than 48 hours after completion of the submission of the issue to him. (Article IX, Sec. 2; para. 2). He is specifically empowered to determine "whether or not the Employer

or the Union violated the Agreement." (Article IX, Sec. 2, para. 3). Moreover, the arbitrator is granted the authority to determine "what steps shall be taken to remedy the violation" if he shall find that either the employer association or the union violated the agreement (Article IX, Sec. 2, para. 3). The employer associations or the union "shall have five days to comply or to start to comply with the award." Article IX, Sec. 2, para. 3). In the event a question arises with respect to compliance with the award of the impartial arbitrator, the question of compliance shall be, according to the agreement, referred back to the arbitrator. In such event, the arbitrator's power is limited. He has power to determine "solely whether or not the Employer has complied, if not, what still remains to be done to comply and to direct the Union to terminate a strike, if compliance has been found, or to instruct the Union to furnish manpower to enable the Employer to complete compliance." (Article IX, Sec. 2, para. 7). The union's right to strike arises upon the employer association's failure to comply within five days of an award in favor of the Union. (Article IX, Sec. 2, para. 4). The employer associations apparently have the right to lock out the union upon an award in its favor with which the union has failed to comply. (Article IX, Sec. 2). Under Article IX,

978

the exclusive remedy available to the employer association or the union in the event of a dispute involving compliance by either party with the terms of the agreement is the remedy set forth therein. (Article IX, Sec. 2, para. 5).

In this case, two disputes were referred to the arbitrator when the Joint Adjustment Board deadlocked with respect to each issue. The first dispute related to the critical manpower shortage in the construction industry. The manpower dispute was referred to the arbitrator when the Sheet Metal Workers International Association refused to accept jurisdiction to sit in on any dispute arising under the agreement as provided in the agreement. (Article IX, Sec. 2 para. 1). On September 25, 1968 and again on October 10, 1968, the impartial arbitrator held the required hearings relating to the manpower dispute. This dispute arose under Article III of the agreement which provides as follows:

> "Section 1. The Union agreed to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under conditions specified in this Agreement."

At the conclusion of the hearing held on September 25, the arbitrator proposed: 1) that the union undertake immediately to bring into its membership 100 new journeymen sheet metal workers, 2) that

these 100 journeymen be brought into the industry through the established procedures of the union's Constitution which calls for qualification of such new journeymen by a Board of Examiners; 3) that there be established an advisory committee to the union and the Board of Examiners; and 4) that he continue his jurisdiction of the dispute because, in his words, "the solution to this dispute has to be worked out rather than resolved by directive." The arbitrator then requested a report on the extent of the existing and anticipated shortages and set October10, 1968 as the hearing date for a progress report on the new journeymen. (Opinion and Award, 10/10/68, pp. 1--2).

On October 10, 1968 a further hearing was held. At that hearing, the employer associations and the union submitted information which they had gathered on the extent of the shortage of journeymen. They disagreed, however, as to the number of journeymen needed at that time and in the foreseeable future. The arbitrator found as a result of the hearing that "there is a very serious shortage and that for the present and in the immediate future, additional journeymen will be needed to enable the Contractors to handle the work on hand and for which, backlogs have developed." (Opinion and Award 10/10/68, p.2). The arbitrator then noted in his decision of October 10, 1968 which followed

the hearing, that the induction of 100 new journeymen into the membership of the union manifestly could not be accomplished overnight. He further observed that the union should not be asked to accepted unqualified persons as journeymen; but he ruled that qualified persons from all sources should be given the opportunity without discrimination to take the examinations prescribed by the Board of Examiners (Opinion and Award, 10/10/68, p.2). He then noted that about 200 persons had applied for acceptance as journeymen and that the union had scheduled tests for November 2 and 16, 1968, after which, he anticipated, the 100 journeymen would be available for work. (Opinion and Award, 10/10/63, pp. 2--2).

The arbitrator then ruled that the most immediate and practical way the existing manpower shortage could be dealt with was through the admission of qualified employees on a permit basis. The arbitrator found that permits had been issued in the past. He found, additionally, that at that time approximately 200 employees were working in the area on permits which had already been issued by the union. The arbitrator then ruled that there should be an increase of 250 permit men for emergency employment only, each permit being for a period of 90 days from employment, and renewable only upon the further order of the arbitrator. Finally, the arbitrator ruled that the employment of

the permit men would be subject to termination as to the economic needs of the employer indicated without any claim to employment or damages for loss of employment against the employer associations or the union. The arbitrator continued his jurisdiction over the dispute. He provided for a hearing on 24 hours notice with respect to any necessity for the protection of the interests of the union or the contractor under the then existing circumstances. (Opinion and Award 10/10/68, pp. 3-4).

On April 10, 1969, the employer associations requested a further hearing regarding the manpower dispute which was held on May 2, 1969. (Petition, p.4). At that hearing, the employer associations asked the arbitrator to direct the union to: 1) accept additional journeymen; 2) institute a pre-apprentice class and, 3) increase the number of permit men. The employer associations claimed: 1) although many workers had been admitted on a permit basis, there was still a shortage of permit men; 2) the union had refused permits to men who are qualified; and 3) the union had restricted the use of permit men "on jobs where regular journeymen had been laid off." (Opinion and Award, 5/9/69, p.5).

The arbitrator had ordered by his award of October 10, 1968 that the union admit up to 250 permit men and 100 new journeymen.

The arbitrator found in his Opinion and Award which followed the May 2 hearing that there exists an extreme emergency in the construction industry with respect to the sufficiency of available manpower which was exacerbated by the union's refusal to permit certain workers to work overtime. These workers are referred to as non-key men and will be discussed infra with respect to the second dispute.

The arbitrator then ruled that: 1) it is "imperative for the union to issue permits to as many men as possibly can be obtained to fill the jobs presently needed in construction; 2) these permits should run until June 30, 1969 at which time the existing agreement expires; 3) such men should be granted permits after a determination as to their competency by the union; 4) the union should extend itself to obtain as many permit men as possible; 5) the employer associations are entitled to propose permit men whom they are able to locate; 6) the union must issue permits to such employer recruits if they are members in good standing of bona fide building trades unions and the employers associations are willing to employ them; and 7) the union must allow the employer associations to assign permit men to the job with the flexibility necessary to obtain the greatest utilization of their services. (Opinion and Award 5/9/69, p. 5).

Each of the foregoing items constituted the arbitrator's determination as to what remained to be done by the union to effectuate compliance with its award of October 10, 1968 regarding the necessity for an additional 250 permit men. The goal of 250 additional permit men had not been reached. But because of the union's failure to admit 100 new journeymen and to issue permits to 250 additional workers, as previously ordered, and to permit non-key men to volunteer to work overtime in the emergency which exists, the arbitrator directed the union to issue as many permits to qualified workers as could be found to meet the emergency. (Opinion And Award, 5/9/69, pp.4-5).

The arbitrator also ruled that it is "imperative" for the union to admit additional journeymen in accordance with established procedures. At that time, the union had admitted only about 25 additional journeymen out of approximately 250 persons who had applied. The employer associations complained that they were not permitted to participate with the union in devising the tests and that the tests were inordinately severe. (Opinion And Award, 5/9/69, pp.5-6). The arbitrator then ordered that the employer associations be permitted through their advisory committee to consult with the union about testing procedures for the new journeymen. He also directed that all

steps be taken to facilitate the qualification of additional journeyman as quickly as possible. (Opinion And Award 5/9/69, p. 6).

The arbitrator denied the request for the institution of a pre-apprentice class, ruling that the provisions of the contract with respect to apprentices must prevail. He noted, however, that the parties must provide in their present negotiations for the new contract for an enlargement of the present class of apprentices to meet the existing shortage as well as the prospective demands for sheet metal workers in New York City. Finally, he directed that the award regarding the manpower shortage, as previously granted, be carried out as quickly as possible in accordance with his enumeration therein of what remained to be done to effectuate compliance. (Opinion And Award, 5/9/69, p. 6).

The second dispute involves overtime work. On April 3, 1969 the employer associations requested a meeting of the Joint Adjustment Board to hear their complaint against the union for alleged violation of Article V, Sec. 5(a) of the agreement. That Section provides as follows:

> " Section 5. During the last three months of the term of the within Agreement from April 1st, 1969 through June 30th, 1969,

985

Local 28 on 30 days prior notice to the Association, may require that no overtime work be performed except in accordance with the following provisions:

(a) Any restrictions against overtime during the aforesaid last 90 days of the Agreement term shall in no event be applicable to key-men who are defined generally as constituting draftsmen, foremen and superintendents necessary to maintain the schedule for a normal 35 hour week; also shearmen, welders, cutters and brakemen necessary to supply the requirements for the shop work and erection work on the jobs."

The Board met on April 8, 1969 and again deadlocked on this issue. On the latter date, the employer requested a hearing before the arbitrator. The hearing was held on April 10, 1969. The issue before the Board and the arbitrator was:

"Is Local Union #28 guilty of violating Article V, Section 5(a) of the Agreement by refusing to grant overtime permits to key-men as defined in the Agreement." (Opinion And Award, 4/10/69, p.1).

Upon the hearing, the arbitrator found that at a regular and special membership meeting of the union on April 1, 1969 consideration was given to a recommendation of the union's executive board to the effect that no overtime be worked during the coming contract negotiations. There were approximately 900 members present. These members voted, unanimously to refuse "voluntarily" to work overtime. Before the vote was taken the president of the union told members that the employers

might object to the action and seek to have it reviewed. He also advised members they would be apprised of any decision of the arbitrator with respect to the union's actions. After the meeting, a postcard was sent to all union members signed by the president and the recording secretary and reads as follows:

"Dear Sir and Brother: April 8, 1969.

"Please be advised that at the Regular and Special membership meeting of Tuesday, April 1, 1969, there was a recommendation of the Executive Board to the effect that NO OVERTIME BE WORKED during the coming contract negotiations. After full and open discussion by the members present at the said meeting it was upon Motion duly made and seconded UNANIMOUSLY ADOPTED to the effect that the Members of Local Union 28 voluntarily refuse to work overtime.

"You will therefore be guided accordingly in conforming to the action taken at the Regular and Special meeting of April 1, 1969."

The foregoing facts were not disputed. (Opinion and Award, 4/10/69, pp.2-3).

With respect to the foregoing facts, the union contended: 1) the membership had a legal right to "voluntarily" refuse to work overtime and, 2) Section 5(a) requires only such overtime for key-men as is" necessary to maintain the schedule for a normal 35 hour week" and only such overtime for shearmen, welders, cutters and brakemen as is "necessary to supply the requirements of the shop work and the

erection work on the job." In regard to the latter contention, the union claimed that the burden was on the employer associations toshow that the union was not issuing permits for overtime work "necessary to maintain the 35 hour week" or to meet "the requirements for shop and erection work on the job." (Opinion and Award, 4/10/69, p.3.).

The arbitrator ruled that under the existing circumstances the burden is not on the employer associations to prove that the overtime permits they are requesting are necessary for the purposes stated in the agreement. (Opinion and Award, 4/10/69, p.3). He ruled that Article V, Section 4,of the agreement provides that during the first two years and nine months of the agreement "overtime permits are to be granted freely on telephone requests without any restriction or limitation whatever." He ruled further that a limitation can be imposed during the last three months, except for the reasons stated in Section 5(a). (Opinion and Award, 4/10/69, p.3.). The arbitrator then concluded that under the terms of the contract, by which he acknowledged he was bound in making the decision, the union is required during the last three months of the agreement to grant overtime permits as freely as during the first two years and nine months in the case of the

exceptions set forth in Section 5(a). (Opinion and Award, 4/10/69, pp. 3--4).

The arbitrator also ruled that under the circumstances of this case he did not believe the members were exercising a protected right "voluntarily" to refuse to work overtime. On the contrary, the arbitrator ruled that the recommendation of the union's executive board, the postcard, and the vote of the membership were in the nature of concerted action on the part of the union and its membership which is contrary to the spirit as well as the letter of the agreement. Accordingly, the arbitrator directed the union to issue and respond to overtime permits for key-men, shearmen, welders, cutters and brakemen in accordance with the provisions of Article V, Section 5(a) of the agreement. (Opinion and Award, 4/10/69, pp.4--5).

The union then notified its members of the Opinion and Award of the arbitrator by letter; but it contained a postscript which advised the membership that "Section 1 of the UnitedStates Constitution prohibits 'involuntary servitude' and that the 'Members of the local union had the constitutional right to work or refuse to work as they see fit to do so.'" (Opinion and Award, 5/9/69, p.2).

The employer association then requested a further hearing before the arbitrator in order to have him effect compliance with the award of April 10, 1969. The arbitrator subsequently notified all

parties that he would consider the question of compliance with the April 10, 1969 award on May 2, 1969 prior to the hearing referred to, supra, on the manpower dispute. A compliance hearing was held on that date and the arbitrator combined his Opinion and Award with respect to both disputes in an Opinion and Award dated May 9, 1969. This court has already referred to the arbitrator's Opinion and Award with respect to the manpower dispute as set forth in the May 9th, 1969 Opinion and Award.

With respect to the overtime issue, the arbitrator found after the May 2 hearing that despite his decision of April 10, 1969 no key-men had worked overtime. (Opinion and Award, 5/9/69, p.2).

Following the May 2 hearing, however, and prior to rendering his decision of May 9, the arbitrator sent to the parties a telegram in which he requested immediate response from them with respect to several matters, among which was authorization for all sheet metal workers, not merely key-men, to work overtime until June 30, 1969 because of the existing emergency without prejudice to the future contractual rights of the parties. The arbitrator advised in the telegram that the awards would follow the responses and would take the answers of the parties into account. (Opinion and Award, 5/9/69, p.2)

In response to that telegram, the union met on May 8. It voted to refuse to work overtime, that is, it refused to agree, although not required to, that all men other than key-men would work overtime in the emergency.[2/] The union, of course, as the arbitrator ruled, had the right to take this position. He pointed out, however, that it underscored the importance of enforcing the corollary obligation which required that key-men work overtime during the last three months of the agreement. The arbitrator found as a fact that the agreement had been violated by the faulure of any of the keymen to work overtime (Opinion and Award, 5/9/69, p.4). He, thereupon, directed the union to instruct its members by letter immediately that key-men must work overtime in accordance with the provisions of the agreement.[3/]

For all of the foregoing reasons, the arbitrator's Opinions and Awards must be and they hereby are confirmed.

Dated: New York, New York
June 25, 1969

SO ORDERED:

/s/ CONSTANCE BAKER MOTLEY

U.S.D.J.

FOOTNOTES

1. A proceeding to confirm the awards was initially commenced in the Supreme Court of New York and removed to this Court on June 6, 1969.

2. The arbitrator, by his telegram, continued the May 2 hearing until receipt of the replies of the parties. The union replied on May 8 and the arbitrator rendered his Opinion and Award on May 9. There is, therefore, no merit to the union's contention that the arbitration failed to comply with the provisions of Article X, Sec. 2,para. 2 requiring the arbitrator to hold a hearing and render a decision within 48 hours after the hearing.

3. The union stresses the fact that the agreement between the parties expires on June 30, 1969. This may or may not be true depending upon the action of the parties on the expiration date. Article XVI provides for the continuation of the agreement after June 30, 1969 and during negotiations for a new agreement at the will of the parties. The agreement may, therefore, continue in effect and there is certainly no prohibition against the arbitrator continuing to further arbitrate or mediate these disputes pending a new agreement. In fact, if both parties' position are taken in good faith with respect to the manpower shortage such continued arbitration or mediation with the present arbitrator, who is fully conversant with the facts and obviously impartial conversant with the facts and obviously impartial as reflected by his opinions, should probably continue pending a new agreement.

Exhibit 38

Opinion, State Commission on Human Rights, February 26, 1964

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Exhibit 39

Notice of Order--New York State Commission on Human Rights, March 20, 1964

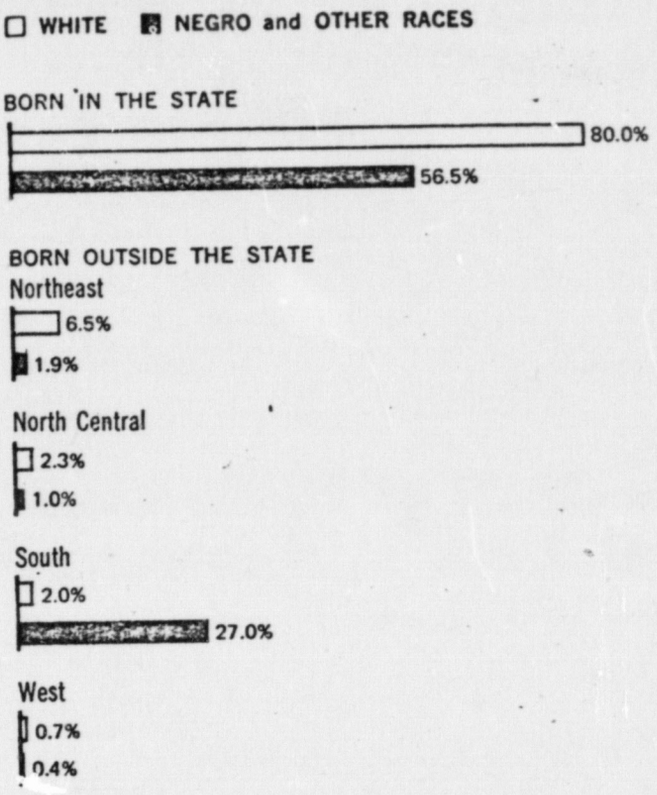
In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

1970 CENSUS

PLACE OF BIRTH of the Native Population: 1970

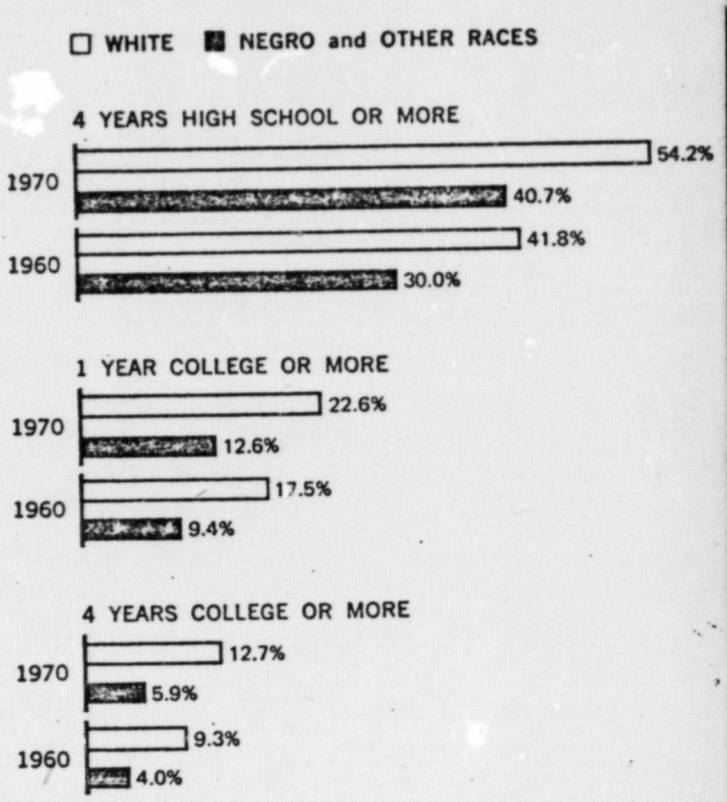
Excludes persons born abroad of native parents.

PERCENT DISTRIBUTION

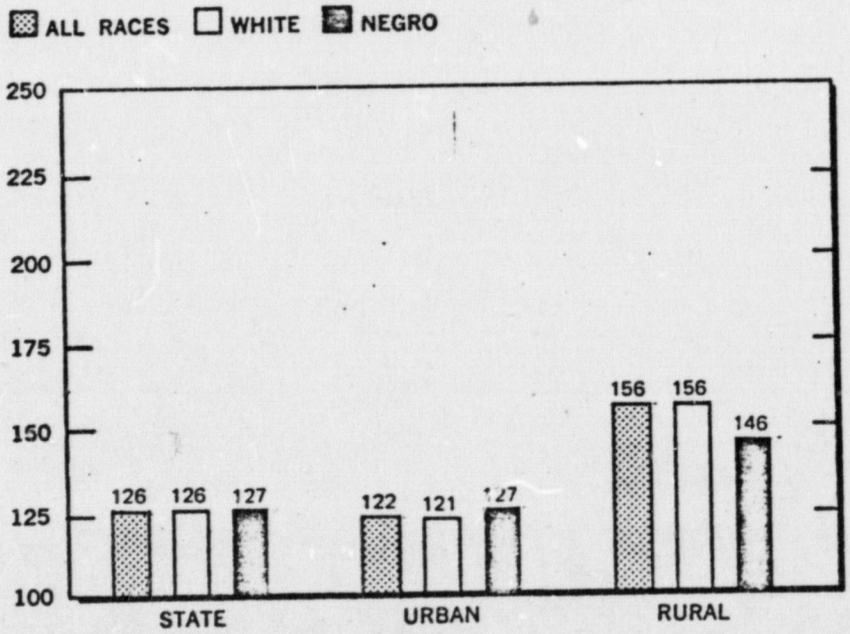


YEARS OF SCHOOL COMPLETED: 1970 and 1960

PERCENT OF PERSONS 25 YEARS and OVER



POPULATION REPLACEMENT INDEX: 1970



See text for definition of replacement index.

995

Table 51. Educational Characteristics by Race, for Urban and Rural Residence: 1970

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

Th[illegible]ate	The State				Urban			
	Total	White	Negro	Persons of Puerto Rican birth or parentage	Total	White	Negro	Persons of Puerto Rican birth or parentage
SCHOOL ENROLLMENT								
Total enrolled, 3 years old and over	5 118 837	4 407 [illegible]	656 654	272 867	4 299 454	3 604 542	645 128	270 857
3 to 34 years old	5 031 991	4 334 [illegible]	644 891	270 500	4 222 433	3 539 875	633 623	268 523
Nursery school	92 340	76 698	14 226	3 115	82 497	67 127	14 053	3 089
Public	28 044	17 781	9 804	2 450	24 976	14 864	9 664	2 450
Percent	30.4	23.2	68.9	78.7	30.3	22.1	68.8	79.3
Parochial	5 400	4 908	413	151	5 187	[illegible]5	413	151
Other private	58 896	54 009	4 009	514	52 334	[illegible]368	3 976	488
Kindergarten	295 980	251 724	41 128	16 766	240 654	197 379	40 422	16 636
Public	264 880	223 583	38 480	15 786	211 239	170 896	37 789	15 656
Percent	89.5	88.8	93.6	94.2	87.8	86.6	93.5	94.1
Parochial	21 423	20 150	1 149	689	20 226	18 964	1 138	689
Other private	9 677	7 991	1 499	291	9 189	7 519	1 495	291
Elementary (1 to 8 years)	2 754 382	2 332 939	396 477	181 962	2 270 226	1 858 066	389 431	180 598
Public	2 209 351	1 818 481	368 700	162 044	1 757 250	1 375 188	362 081	160 862
Percent	80.2	77.9	93.0	89.1	77.4	74.0	93.0	89.1
Parochial	493 403	470 042	21 218	18 315	465 102	441 843	21 142	18 259
Other private	51 628	44 416	6 559	1 603	47 874	41 035	6 208	1 477
High school (1 to 4 years)	1 230 000	1 064 834	153 356	59 560	1 030 683	869 147	150 584	59 194
Public	1 024 732	871 135	143 134	54 765	835 919	685 689	140 613	54 452
Percent	83.3	81.8	93.3	91.9	81.1	78.9	93.4	92.0
Parochial	147 432	142 089	4 726	3 482	141 162	135 856	4 694	3 471
Other private	57 836	51 610	5 496	1 313	53 602	47 602	5 277	1 271
College	659 289	607 963	39 704	9 097	598 373	548 156	39 133	9 006
Public	323 525	294 961	22 934	6 162	294 712	266 718	22 632	6 137
Percent	49.1	48.5	57.8	67.7	49.3	48.7	57.8	[illegible]1
Private	335 764	313 002	16 770	2 935	303 661	281 438	16 501	2 869
35 years old and over	86 046	73 383	11 763	2 367	77 021	64 667	11 505	2 334
Total enrolled, 3 to 34 years old	5 031 991	4 334 158	644 891	270 500	4 222 433	3 539 875	633 623	268 523
3 and 4 years old	92 604	73 911	17 213	5 131	83 231	64 856	16 993	5 112
5 and 6 years old	541 615	455 978	80 020	34 247	447 196	363 203	78 814	34 000
7 to 13 years old	2 332 157	1 986 150	325 415	145 774	1 922 120	1 583 609	319 738	144 799
14 and 15 years old	659 629	568 387	85 373	36 311	546 900	457 946	83 593	35 989
16 and 17 years old	584 310	511 103	67 764	27 689	490 041	418 446	66 555	27 503
18 and 19 years old	365 042	326 385	34 063	13 101	318 097	280 417	33 324	12 993
20 and 21 years old	188 348	173 385	11 407	3 026	170 779	156 190	11 201	2 960
22 to 24 years old	126 336	115 651	8 555	2 111	116 583	106 107	8 465	2 099
25 to 34 years old	141 950	123 208	15 081	3 110	127 486	109 101	14 890	3 068
Percent enrolled, 3 to 34 years old	54.6	55.4	50.5	46.8	54.2	55.0	50.6	46.8
3 and 4 years old	15.0	14.4	17.8	11.1	16.1	15.6	17.8	11.1
5 and 6 years old	81.8	82.5	78.0	72.4	81.8	82.7	77.9	72.3
7 to 13 years old	97.4	97.8	95.1	94.7	97.2	97.7	95.2	94.7
14 and 15 years old	96.6	97.0	94.1	91.4	96.6	96.9	94.5	91.6
16 and 17 years old	91.1	92.0	84.5	77.3	91.0	92.1	84.7	77.4
18 and 19 years old	61.4	63.3	47.1	41.5	61.7	64.0	47.2	41.6
20 and 21 years old	34.5	37.0	16.5	9.8	35.4	38.3	16.6	9.7
22 to 24 years old	15.6	16.5	8.6	4.2	16.4	17.5	8.7	4.3
25 to 34 years old	6.3	6.5	4.7	2.2	6.6	6.9	4.7	2.2
MALES 16 TO 21 YEARS OLD NOT ATTENDING SCHOOL								
Total	275 517	222 453	49 927	23 624	236 453	185 515	48 003	23 204
Not high school graduate	121 352	90 369	29 430	17 785	104 579	75 207	27 931	17 424
Percent of all males 16 to 21 years	14.1	12.1	28.6	38.3	14.3	12.1	28.0	38.0
Employed or in Armed Forces	61 634	50 224	10 651	8 588	52 634	41 423	10 488	8 493
Unemployed or not in labor force	59 718	40 145	18 779	9 197	51 945	33 784	17 443	8 931
High school graduate	154 165	132 084	20 497	5 839	131 874	110 308	20 072	5 780
Employed or in Armed Forces	114 596	100 963	12 633	3 642	96 523	83 182	12 419	3 630
Unemployed or not in labor force	39 569	31 101	7 864	2 197	35 351	27 126	7 653	2 150
YEARS OF SCHOOL COMPLETED								
Male, 25 years old and over	4 817 661	4 295 956	469 062	168 554	4 132 082	3 623 739	458 618	166 624
No school years completed	93 470	80 134	9 502	6 919	85 945	73 217	9 006	6 842
Elementary: 1 to 4 years	146 951	114 679	29 427	21 994	135 348	104 237	28 468	21 793
5 and 6 years	278 918	227 337	46 213	23 398	249 792	199 705	45 005	23 135
7 years	197 044	167 148	27 837	11 733	165 407	136 322	27 126	11 536
8 years	605 996	551 161	50 499	23 942	498 605	445 458	49 234	23 605
High school: 1 to 3 years	948 185	820 195	120 827	42 909	804 984	680 396	118 070	42 480
4 years	1 315 757	1 178 075	129 003	29 896	1 110 195	974 867	127 116	29 674
College: 1 to 3 years	491 834	454 672	33 204	5 268	424 211	387 853	32 566	5 146
4 years	348 201	330 799	11 875	1 253	308 579	291 498	11 645	1 218
5 years or more	391 305	371 756	10 675	1 242	349 016	330 186	10 382	1 195
Median school years completed	12.1	12.2	10.8	8.8	12.1	12.2	10.[illegible]	8.8
Female, 25 years old and over	5 600 894	4 942 013	607 897	201 536	4 887 977	4 240 188	600 374	200 492
No school years completed	134 729	118 930	10 947	14 253	127 204	111 763	10 660	14 158
Elementary: 1 to 4 years	174 830	140 735	31 030	32 406	166 049	132 530	30 569	32 311
5 and 6 years	321 967	259 105	57 961	32 715	301 257	239 387	57 210	32 655
7 years	209 261	171 799	35 579	13 114	186 827	149 985	35 113	13 058
8 years	743 555	672 721	66 573	25 890	650 983	581 666	65 590	25 784
High school: 1 to 3 years	1 077 553	908 218	162 437	43 582	930 450	763 753	160 619	43 345
4 years	1 934 177	1 740 102	183 055	32 884	1 664 366	1 473 028	181 233	32 638
College: 1 to 3 years	505 793	464 063	37 167	4 692	422 771	381 881	36 654	4 596
4 years	301 806	282 826	13 935	1 208	260 816	242 253	13 694	1 178
5 years or more	197 223	183 514	9 213	792	177 254	163 942	9 032	769
Median school years completed	12.1	12.1	10.9	8.3	12.0	12.1	10.9	8.3
PERCENT BY LEVEL OF SCHOOL COMPLETED								
Total persons, 25 years old and over	10 418 555	9 237 969	1 076 959	370 090	9 020 059	7 863 927	1 058 992	367 116
Less than 5 years of elementary school	5.3	4.9	7.5	20.4	5.7	5.4	7.4	20.5
Less than 1 year of high school	27.9	27.1	33.9	55.8	28.5	27.6	33.8	55.8
4 years of high school or more	52.7	54.2	39.8	20.9	52.3	54.0	39.9	20.8
4 years of college or more	11.9	12.7	4.2	1.2	12.1	13.1	4.2	1.2
Median school years completed	12.1	12.1	10.8	8.6	12.1	12.1	10.8	8.6
Total persons, 18 to 24 years old	1 950 266	1 685 854	240 476	112 271	1 709 412	1 451 367	235 406	111 230
4 years of high school or more	65.6	67.4	53.5	36.1	65.7	67.7	53.9	36.2
4 years of college or more	8.3	9.1	2.0	0.7	8.7	9.8	2.0	0.7
VOCATIONAL TRAINING OF PERSONS 16 TO 64 YEARS OLD								
Male, with less than 15 years of school	4 330 994	3 753 457	534 624	343 504	3 684 957	3 123 332	521 476	337 676
Percent with vocational training	29.6	30.0	27.1	19.4	30.0	30.5	27.2	19.4
Female, with less than 15 years of school	5 146 290	4 415 161	682 896	408 821	4 479 637	3 760 661	674 395	404 611
Percent with vocational training	25.2	25.2	25.8	17.2	25.8	25.9	25.9	17.1

Table 52. Education, Fertility, and Family Composition by Race, for Urban and Rural Residence: 1970

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

The State

	The State				Urban			
	Total	White	Negro	Persons of Puerto Rican birth or parentage	Total	White	Negro	Persons of Puerto Rican birth or parentage
YEARS OF SCHOOL COMPLETED FOR SELECTED AGE GROUPS								
Male, 20 to 49 years old	3 242 894	2 818 845	383 173	162 725	2 783 928	2 370 977	374 260	160 667
No high school	412 706	325 539	79 896	65 209	354 914	270 816	77 290	64 202
High school, 1 to 3 years	618 739	500 332	112 182	50 477	526 941	412 203	109 054	49 923
High school, 4 years	1 084 142	940 951	134 880	37 406	908 696	768 026	132 828	37 102
College, 1 year or more	1 127 307	1 052 023	56 215	9 633	993 377	919 932	55 088	9 440
Female, 15 to 44 years old	3 796 274	3 219 207	530 058	217 022	3 284 673	2 717 090	523 728	216 063
No high school	417 873	320 544	88 311	84 375	274 501	279 122	86 883	84 153
High school, 1 to 3 years	1 016 281	816 348	189 745	74 971	867 946	671 263	187 432	74 652
High school, 4 years	1 481 796	1 277 464	192 263	48 496	1 267 964	1 066 116	190 601	48 238
College, 1 year or more	880 324	804 851	59 739	9 180	774 462	700 589	58 812	9 020
FERTILITY								
Women, 15 to 24 years old	1 526 662	1 310 790	198 724	89 050	1 327 200	1 115 200	195 880	88 654
Ever married	451 088	384 983	61 049	40 063	383 559	318 632	60 241	39 962
Percent ever married	29.5	29.4	30.7	45.0	28.9	28.6	30.8	45.1
Number of own children under 5 years	349 164	287 320	57 932	43 612	288 782	228 048	57 211	43 514
Per 1,000 women	229	219	292	490	218	204	292	491
Per 1,000 women ever married	774	746	949	1 089	753	716	950	1 089
Number of children ever born	444 858	353 712	85 92[illegible]	58 329	370 626	281 280	84 654	58 200
Per 1,000 women	291	270	432	655	279	252	432	656
Per 1,000 women ever married	986	919	1 408	1 456	966	883	1 405	1 456
Women, 25 to 34 years old	1 178 549	977 165	183 205	76 956	1 015 723	817 391	181 242	76 562
Ever married	995 600	835 767	145 558	69 233	843 708	686 347	144 011	68 888
Percent ever married	84.5	85.5	79.5	90.0	83.1	84.0	79.5	90.0
Number of own children under 5 years	786 394	684 308	91 265	55 708	658 064	557 862	90 138	55 480
Per 1,000 women	667	700	498	724	648	682	497	725
Per 1,000 women ever married	790	819	627	805	780	813	626	805
Number of children ever born	2 196 174	1 814 555	355 662	184 511	1 806 616	1 431 948	351 069	183 702
Per 1,000 women	1 863	1 857	1 941	2 398	1 779	1 752	1 937	2 399
Per 1,000 women ever married	2 206	2 171	2 443	2 665	2 141	2 086	2 438	2 667
Women, 35 to 44 years old	1 119 173	971 377	152 462	56 869	966 751	803 588	150 694	56 600
Ever married	1 020 328	873 436	134 707	53 864	874 278	729 769	133 130	53 635
Percent ever married	91.2	91.6	88.4	94.7	90.4	90.8	88.3	94.8
Number of own children under 5 years	235 441	201 517	30 731	13 658	198 324	165 167	30 304	13 632
Per 1,000 women	210	211	202	240	205	206	201	241
Per 1,000 women ever married	231	231	228	254	227	226	228	254
Number of children ever born	2 930 201	2 496 210	400 202	182 938	2 437 307	2 011 638	394 853	182 074
Per 1,000 women	2 618	2 618	2 625	3 217	2 521	2 503	2 620	3 217
Replacement index	126	126	127	155	122	121	127	155
Per 1,000 women ever married	2 872	2 858	2 971	3 396	2 788	2 757	2 966	3 395
FAMILY COMPOSITION								
Families	4 609 638	4 069 135	497 950	212 922	3 964 530	3 432 346	492 038	211 939
With own children under 3 years	694 861	589 762	96 022	58 239	585 737	482 336	94 835	57 906
With own children under 6 years	1 171 987	991 885	165 916	91 411	984 011	806 785	163 889	90 957
With own children under 12 years	1 894 334	1 613 313	259 833	134 420	1 594 871	1 318 192	256 733	133 784
With own children under 18 years	2 474 016	2 130 307	317 647	159 093	2 096 070	1 757 630	313 884	158 353
With sons daughters under 25 years	2 817 027	2 441 586	346 394	171 251	2 405 777	2 035 903	342 430	170 449
With sons daughters 13 to 19 years	1 275 900	1 122 568	142 278	64 412	1 083 976	933 109	140 479	64 123
With sons daughters 18 to 24 years	748 551	665 888	74 897	31 360	649 428	580 762	74 219	31 229
Subfamilies	100 619	77 349	21 889	5 778	86 667	63 905	21 548	5 778
Number of own children under 18 years	101 674	72 517	27 715	6 341	85 741	57 277	27 227	6 341
Husband-wife subfamilies	54 243	46 981	6 316	[illegible]	46 720	39 647	6 214	2 329
Number of own children under 18 years	33 993	28 613	[illegible] 540	[illegible]	28 054	22 905	4 410	1 573
Subfamilies with female head	42 527	27 518	14 664	[illegible]	36 749	22 025	14 453	3 145
Number of own children under 18 years	61 950	39 642	21 802	[illegible]	52 064	31 168	21 482	4 396
Married couples	3 900 711	3 540 315	327 298	[illegible]	3 312 443	2 958 762	319 231	145 524
Percent in subfamilies	1.4	1.3	1.9	[illegible]	1.4	1.3	1.9	1.6
With own children under 6 years	1 042 939	920 561	109 148	64 119	862 431	742 531	107 464	63 691
With own children under 18 years	2 131 245	1 908 971	199 320	107 817	1 779 939	1 562 049	196 278	107 115
With husband under 45 years	1 823 124	1 605 196	196 640	106 520	1 528 386	1 314 397	193 967	105 847
Persons, under 18 years old	5 868 130	4 962 044	847 125	390 110	4 874 944	3 988 433	832 543	387 479
Living with both parents	4 788 042	4 282 637	457 702	240 782	3 910 471	3 417 054	449 565	239 120
Percent of total	81.6	86.3	54.0	61.7	80.2	85.7	54.0	61.7
Living with one parent	880 826	551 365	321 015	129 598	801 000	474 684	318 459	129 400
Living with neither parent	199 262	128 042	68 408	19 730	163 473	96 695	64 519	18 959
Persons, 14 to 54 years old ever married	6 465 451	5 613 941	778 901	531 935	5 516 042	4 681 506	766 922	525 462
Never widowed or divorced	5 611 196	4 903 862	642 746	454 162	4 782 269	4 088 957	633 158	448 530
Known to have been: Widowed	277 714	219 654	54 980	18 869	244 447	187 508	54 064	18 686
Divorced	589 241	500 690	83 538	59 950	500 178	413 535	81 986	59 257
Widowed and divorced	12 700	10 265	2 363	1 046	10 652	8 494	2 286	1 011
TYPE OF GROUP QUARTERS								
Persons, in group quarters	456 139	391 448	59 881	11 609	377 072	323 541	49 452	9 384
Inmate of mental hospital	72 334	60 484	11 505	1 726	63 261	52 801	10 285	1 490
Inmate of home for the aged	68 024	64 924	2 934	219	54 736	52 211	2 434	197
Inmate of other institution	77 224	51 237	25 397	6 474	55 552	36 783	18 332	4 880
In rooming house	34 040	25 727	7 743	1 297	28 547	20 596	7 445	1 195
In military barracks	13 551	12 198	1 187	187	8 351	7 285	944	118
In college dormitory	125 312	120 386	2 933	389	110 394	105 880	2 658	366
Other	65 654	56 492	8 182	1 317	56 231	47 985	7 354	1 228
DISABILITY OF PERSONS 16 TO 64 YEARS[1]								
Total	9 624 102	8 385 026	1 135 974	713 328	8 340 939	7 222 197	1 [illegible] 861	705 935
Disabled or handicapped	936 233	777 937	149 537	86 598	808 663	652 593	146 821	86 234
In labor force	437 896	378 179	54 993	33 075	373 881	315 040	54 316	32 868
Not in labor force	498 337	399 758	93 544	53 523	434 782	337 553	92 505	53 366
Cannot work	371 475	294 798	72 906	39 997	325 620	250 089	72 009	39 914
Disabled 6 months or more	347 608	275 904	68 397	35 465	304 480	233 801	67 621	35 382

[1]Excludes inmates of institutions and persons attending school.

able 83. Educational Characteristics for Areas and Places: 1970—Continued

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

tandord Metropolitan Statistical Areas Places of 50,000 or More (Central Cities) Urban Balance rbanized Areas laces of 50,000 or More	Standard metropolitan statistical areas—Con.											
	New York								Rochester			
	Total	Levittown (U)	Mount Vernon	New Rochelle	New York	White Plains	Yonkers	Urban balance	Total	Rochester	Urban balance	
CHOOL ENROLLMENT												
Total enrolled, 3 years old and over	3 102 330	24 201	17 241	21 042	1 915 951	13 691	52 173	1 001 486	265 355	74 734	122 498	
3 to 34 years old	3 041 022	23 800	17 007	20 566	1 874 375	12 815	51 242	985 683	262 224	73 767	121 114	
ursery school	63 090	348	476	621	33 647	398	788	25 014	5 977	1 643	3 191	
Public	18 446	80	217	141	13 270	65	174	4 269	1 653	868	527	
Percent	29.2	23.0	45.6	22.7	39.4	16.3	22.1	17.1	27.7	52.8	16.5	
Parochial	4 226	37	25	38	2 623	28	44	1 400	207	58	130	
Other private	40 418	231	234	442	17 754	305	570	19 345	4 117	717	2 534	
indergarten	170 391	1 341	1 045	1 220	100 557	494	2 978	59 367	17 467	5 032	7 298	
Public	150 819	1 282	878	942	85 274	467	2 725	56 129	15 984	4 116	6 928	
Percent	88.5	95.6	84.0	77.2	84.8	94.5	91.5	94.5	91.5	81.8	94.9	
Parochial	11 198	25	105	214	9 109	–	168	1 468	1 180	781	240	
Other private	8 374	34	62	64	6 174	27	85	1 770	303	135	130	
ntentary (1 to 8 years)	1 656 836	13 310	9 321	10 291	1 011 732	6 611	26 242	546 900	143 385	39 893	62 886	
Public	1 272 933	11 012	7 064	7 288	737 174	5 375	17 753	459 269	117 689	28 878	51 053	
Percent	76.8	82.7	75.8	70.8	72.9	81.3	67.7	84.0	82.1	72.4	81.2	
Parochial	341 326	2 149	2 051	2 797	241 589	1 086	8 025	80 284	24 204	10 477	11 080	
Other private	42 577	149	206	206	32 969	150	464	7 347	1 492	538	753	
gh school (1 to 4 years)	754 214	6 687	4 202	5 224	456 212	3 446	13 464	251 913	59 860	15 859	27 849	
Public	608 571	6 123	3 229	3 986	350 824	2 944	9 751	220 585	50 556	11 865	23 270	
Percent	80.7	91.6	76.8	76.3	76.9	85.4	72.4	87.6	84.5	74.8	83.6	
Parochial	103 824	499	736	837	76 171	332	2 891	21 437	7 406	3 225	3 638	
Other private	41 819	65	237	401	29 217	170	822	9 891	1 998	769	941	
llege	396 491	2 114	1 963	3 210	272 227	1 866	7 770	102 489	35 535	11 340	19 890	
Public	188 607	1 068	693	666	138 066	689	2 618	43 285	16 971	3 743	10 781	
Percent	47.6	50.5	35.3	20.7	50.7	36.9	33.7	42.2	47.8	33.0	54.2	
Private	207 884	1 046	1 270	2 544	134 161	1 177	5 152	59 204	18 564	7 597	9 109	
35 years old and over	61 308	401	234	476	41 576	876	931	15 803	3 131	967	1 384	
Total enrolled, 3 to 34 years old	3 041 022	23 800	17 007	20 566	1 874 375	12 815	51 242	985 683	262 224	73 767	121 114	
and 4 years old	65 842	306	480	620	38 918	379	868	22 712	5 036	1 500	2 566	
and 6 years old	324 823	2 405	1 904	2 095	198 552	1 016	5 131	107 668	30 497	9 006	13 135	
to 13 years old	1 403 112	11 545	7 925	9 031	845 537	5 754	22 788	472 584	120 867	32 572	53 655	
and 15 years old	396 930	3 368	2 212	2 488	239 049	1 668	6 498	134 559	32 748	8 788	14 891	
and 17 years old	355 812	3 216	1 952	2 534	215 324	1 542	6 465	118 500	29 185	7 867	13 582	
and 19 years old	206 985	1 606	1 240	1 659	131 158	968	4 355	63 023	19 021	5 548	10 244	
and 21 years old	109 177	550	613	1 136	73 529	529	2 232	29 169	10 366	3 111	6 202	
to 24 years old	82 951	311	392	485	62 027	449	1 425	17 102	6 801	2 620	3 317	
to 34 years old	95 390	493	289	518	70 281	510	1 480	20 566	7 703	2 755	3 522	
Percent enrolled, 3 to 34 years old	53.1	63.0	52.0	58.3	49.0	57.8	54.2	62.3	55.4	48.6	59.6	
and 4 years old	17.3	11.8	22.5	26.9	15.6	28.6	14.5	20.6	15.3	14.3	19.0	
and 6 years old	80.9	80.9	81.7	85.9	78.1	74.6	83.1	86.4	83.7	81.8	85.8	
to 13 years old	97.1	99.2	97.6	99.2	96.2	99.9	98.1	98.6	97.6	96.2	98.0	
and 15 years old	96.2	99.9	94.6	97.4	94.8	99.9	98.4	98.6	96.2	94.7	97.2	
and 17 years old	90.8	95.9	89.7	95.3	88.2	90.5	95.9	95.2	92.3	88.8	93.8	
and 19 years old	59.3	63.5	60.2	69.9	55.4	70.5	71.0	67.8	62.0	51.3	72.9	
and 21 years old	32.5	32.8	30.1	52.6	30.0	41.4	37.8	39.4	37.2	27.9	51.1	
to 24 years old	15.9	13.8	12.5	16.5	15.8	22.5	15.1	16.5	16.0	14.0	21.0	
to 34 years old	6.4	6.7	3.5	5.9	6.6	8.7	6.1	6.1	6.8	7.3	7.4	
ALES 16 TO 21 YEARS OLD NOT ATTENDING SCHOOL												
Total	174 398	960	960		133 821	512	2 348	33 112	12 914	5 703	4 310	
r high school graduate	80 448	266	403	278	67 532	201	689	10 359	5 142	2 587	1 389	
Percent of all males 16 to 21 years old	15.6	6.9	13.9	9.0	19.5	10.3	8.0	7.3	12.0	18.4	7.1	
Employed or in Armed Forces	39 207	111	255	143	32 030	157	394	5 628	3 211	1 699	812	
Unemployed or not in labor force	41 241	155	148	135	35 502	44	295	4 731	1 931	888	577	
gh school graduate	93 950	694	557	476	66 289	311	1 659	22 753	7 772	3 116	2 921	
Employed or in Armed Forces	66 260	578	386	361	45 460	229	1 221	17 112	6 558	2 636	2 423	
Unemployed or not in labor force	27 690	116	171	115	20 829	82	438	5 641	1 214	480	498	
EARS OF SCHOOL COMPLETED												
Male, 25 years old and over	3 113 966	15 295	19 808	20 343	2 164 126	13 893	57 588	773 618	223 856	74 808	95 689	
o school years completed	71 086	159	361	389	58 891	230	928	9 617	3 865	1 552	1 338	
ementary: 1 to 4 years	108 748	94	901	434	91 528	295	1 572	13 056	5 834	3 561	1 280	
5 and 6 years	199 651	265	1 507	1 034	164 606	676	3 097	26 450	10 409	5 506	2 757	
7 years	121 137	330	856	546	93 952	315	1 948	21 704	8 794	3 754	2 345	
8 years	374 291	1 208	2 292	1 728	284 683	1 197	6 288	71 177	25 122	9 932	7 916	
gh school: 1 to 3 years	596 185	3 464	3 970	3 262	431 546	1 990	11 072	132 942	44 415	17 497	16 113	
4 years	815 424	5 662	5 610	5 166	541 695	3 258	17 079	224 083	61 688	19 036	27 050	
llege: 1 to 3 years	317 609	2 087	1 713	2 129	196 926	1 811	6 119	100 809	25 725	6 680	13 192	
4 years	236 245	1 050	1 269	2 600	136 864	1 816	4 659	82 592	18 853	3 317	12 114	
5 years or more	273 590	976	1 329	3 055	163 435	2 305	4 826	91 188	19 151	3 973	11 584	
edian school years completed	12.1	12.4	12.0	12.5	11.7	12.7	12.2	12.5	12.2	11.2	12.6	
Female, 25 years old and over	3 687 911	16 646	25 188	25 349	2 610 738	18 081	67 217	870 059	251 580	89 910	106 579	
o school years completed	108 569	243	415	468	91 287	350	1 448	13 660	4 367	2 018	1 396	
ementary: 1 to 4 years	138 339	179	930	620	119 156	449	1 895	14 169	5 857	3 777	1 353	
5 and 6 years	245 955	340	1 765	1 318	207 555	919	3 579	28 807	10 713	6 370	2 761	
7 years	137 458	286	982	592	109 956	414	2 065	21 643	8 967	4 546	2 696	
8 years	497 403	1 443	3 261	2 550	381 653	1 611	8 317	92 284	29 153	13 361	9 319	
gh school: 1 to 3 years	678 157	3 410	4 934	3 677	500 025	2 802	11 178	143 358	51 165	21 734	18 384	
4 years	1 246 315	8 557	8 901	9 102	809 069	6 222	26 952	357 268	87 353	25 564	40 746	
llege: 1 to 3 years	300 989	1 311	1 942	2 896	185 835	2 144	5 276	94 597	28 735	6 983	15 059	
4 years	195 100	488	1 224	2 418	115 984	2 033	3 996	64 029	17 355	3 480	10 338	
5 years or more	139 626	389	834	1 708	90 218	1 137	2 511	40 244	7 915	2 077	4 527	
edian school years completed	12.0	12.3	12.0	12.4	11.4	12.4	12.2	12.3	12.2	11.1	12.4	
ERCENT BY LEVEL OF SCHOOL COMPLETED												
Total persons, 25 years old and over	6 801 877	31 941	44 996	45 692	4 774 864	31 974	124 805	1 643 677	475 436	164 718	202 268	
ss than 5 years of elementary school	6.3	2.1	5.8	4.2	7.6	4.1	4.7	3.1	4.2	6.6	2.7	
ss than 1 year of high school	29.4	14.2	29.5	21.2	33.6	20.2	24.9	19.0	23.8	33.0	16.4	
years of high school or more	51.8	64.2	50.7	63.6	46.9	64.8	57.2	64.2	56.1	43.2	66.6	
years of college or more	12.4	9.1	10.3	21.4	10.6	22.8	12.8	16.9	13.3	7.8	19.1	
edian school years completed	12.1	12.3	12.0	12.4	11.5	12.5	12.2	12.4	12.2	11.1	12.5	
persons, 18 to 24 years old	1 206 644	6 487	7 274	7 474	874 658	4 649	21 458	270 396	101 191	40 732	41 978	
years school or more	63.0	73.0	65.7	70.6	60.0	65.4	70.4	71.4	69.2	65.9	74.5	
years college or more	9.3	5.9	7.7	9.0	9.7	11.7	10.6	8.1	8.0	7.9	9.2	
OCATIONAL TRAINING OF PERSONS 16 TO 64 YEARS OLD												
ale, with less than 15 years of school	2 725 709	16 638	17 390	15 402	1 914 255	10 314	49 302	664 614	203 018	70 813	82 277	
Percent with vocational training	30.1	35.8	34.5	32.3	28.7	33.4	35.4	33.2	31.6	32.2	32.3	
emale, with less than 15 years of school	3 357 729	19 023	21 973	20 867	2 370 626	14 002	60 304	805 800	234 502	83 687	98 336	
Percent with vocational training	26.4	26.6	35.0	32.1	25.8	33.9	34.3	27.2	25.6	26.5	26.9	

ble 91. Social Characteristics of the Negro Population for Areas and Places: 1970—Continued

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

ndard Metropolitan
tatistical Areas
Pla[illegible] of 50,000 or More
(or Central Cities)
Urban Balance
banized Areas
ces of 50,000 or More

	Standard metropolitan statistical areas—Con.										
	New York								Rochester		
	Total	Levittown (U)	Mount Vernon	New Rochelle	New York	White Plains	Yonkers	Urban balance	Total	Rochester	Urban balance
CE OF BIRTH											
Total population	1 882 848	36	25 778	10 657	1 665 470	7 222	13 046	151 409	57 320	49 591	2 861
Foreign born	168 409	-	1 363	508	159 066	331	483	6 451	791	620	108
Native	1 714 439	36	24 415	10 149	1 506 404	6 891	12 563	144 958	56 529	48 971	2 753
in State of residence	982 144	20	11 425	4 841	878 102	2 931	6 497	73 427	24 595	21 202	1 214
in different State	510 596	-	7 735	3 728	433 654	3 020	4 294	54 549	24 423	20 710	1 302
rtheast	31 483	-	370	267	26 504	128	239	3 734	782	684	59
rth Central	14 444	-	168	109	12 154	87	130	1 719	1 007	843	101
uth	461 272	-	7 151	3 337	392 077	2 779	3 898	48 764	22 488	19 101	1 115
est	3 397	-	46	15	2 919	26	27	332	146	82	27
abroad, at sea, etc	52 563	-	166	57	50 884	36	142	1 207	280	266	-
e of birth not reported	169 136	16	5 089	1 523	143 764	904	1 630	15 775	7 231	6 793	237
IDENCE IN 1965											
Total population, 5 years old and over	1 683 701	21	23 175	9 782	1 489 246	6 644	11 388	135 304	48 868	42 282	2 380
e house	900 580	8	12 245	6 475	801 006	3 387	6 113	67 189	17 071	14 869	557
rent house in United States	564 653	13	8 133	2 601	492 908	2 323	3 906	51 275	24 821	21 106	1 536
me county	357 633	13	5 806	1 877	312 727	1 836	3 111	30 286	17 265	15 326	803
fferent county	207 020	-	2 327	724	180 181	487	795	20 989	7 556	5 780	733
Same State	154 763	-	1 443	376	137 606	204	346	13 787	1 786	1 061	203
Different State	52 257	-	884	348	42 575	283	449	7 202	5 770	4 719	530
Northeast	7 325	-	42	70	5 923	43	23	1 184	456	406	40
North Central	4 398	-	62	45	3 673	56	65	464	389	332	48
South	38 206	-	744	201	31 158	138	354	5 234	4 811	3 915	397
West	2 328	-	36	32	1 821	46	7	320	114	66	45
oad	73 223	-	416	177	68 919	132	267	3 281	546	383	150
ed, 1965 residence not reported	145 245	-	2 381	529	126 413	802	1 102	13 559	6 430	5 924	137
HOOL ENROLLMENT											
Total enrolled, 3 to 34 years old	550 515	-	6 916	2 829	483 307	2 080	3 888	48 507	19 015	16 558	855
ery school	11 522	-	234	71	9 437	51	63	1 584	522	473	24
ublic	7 838	-	140	49	6 521	28	54	976	402	371	6
dergarten	34 621	-	427	227	29 629	106	402	3 625	1 609	1 362	83
ublic	32 415	-	368	216	27 663	106	398	3 467	1 542	1 295	83
ementary (1 to 8 years)	338 028	-	4 245	1 558	297 008	1 137	2 367	29 703	12 430	10 980	434
ublic	313 705	-	4 066	1 497	275 044	1 110	2 193	27 963	11 769	10 341	412
school (1 to 4 years)	132 585	-	1 596	789	117 172	622	853	10 931	3 665	3 136	147
ublic	123 547	-	1 501	689	108 957	598	814	10 417	3 452	2 939	131
ege	33 759	-	414	184	30 061	164	203	2 664	789	607	167
Percent enrolled, 3 to 34 years old	50.0	-	50.2	55.6	49.5	56.1	50.2	54.5	50.2	50.2	43.8
d 4 years old	17.4	-	21.6	21.8	16.6	23.7	17.9	24.2	15.7	15.6	23.6
d 6 years old	77.3	-	77.9	86.5	76.8	54.2	88.3	81.3	82.0	83.0	75.7
13 years old	95.2	-	97.4	98.7	94.9	99.9	95.7	96.9	91.8	92.5	77.0
nd 15 years old	94.2	-	90.7	88.8	94.0	99.9	97.2	95.6	95.9	97.0	...
nd 17 years old	85.1	-	92.5	89.7	84.5	87.2	93.9	88.7	80.3	80.1	83.3
nd 19 years old	46.6	-	43.2	48.2	46.1	64.6	57.4	51.4	42.3	40.8	59.1
nd 21 years old	16.6	-	15.7	24.5	16.3	25.7	16.8	18.5	11.5	10.4	40.0
o 24 years old	8.8	-	8.7	18.7	8.9	27.8	2.6	7.5	4.4	3.9	17.0
o 34 years old	4.6	-	2.3	3.7	4.6	9.7	4.4	4.3	4.2	4.0	5.8
ARS OF SCHOOL COMPLETED											
Male, 25 years old and over	408 353	16	5 873	2 419	361 186	1 572	2 707	32 522	11 202	9 377	716
school years completed	7 767	-	66	54	6 593	46	57	881	349	206	43
entary: 1 to 4 years	23 711	-	327	130	20 808	80	171	1 948	1 268	1 024	46
5 to 7 years	63 333	-	894	342	56 047	262	395	4 943	1 882	1 485	102
8 years	42 745	-	670	208	37 648	225	290	3 450	1 142	1 000	53
school: 1 to 3 years	104 423	6	1 330	589	92 954	420	731	7 927	3 155	2 791	131
4 years	116 559	10	1 859	682	103 973	380	733	8 551	2 377	2 066	148
ge: 1 to 3 years	29 804	-	389	175	26 170	62	140	2 728	620	550	49
4 years or more	20 011	-	338	239	16 993	97	190	2 094	409	255	144
ian school years completed	10.9	...	11.2	11.4	10.9	10.2	10.8	10.9	9.9	10.0	11.6
ent high school graduates	40.7	...	44.0	45.3	40.7	34.3	39.3	41.1	30.4	30.6	47.6
Female, 25 years old and over	544 745	-	8 111	3 876	481 832	2 631	3 755	42 276	11 984	10 423	592
school years completed	9 706	-	56	43	8 692	38	80	751	220	152	34
entary: 1 to 4 years	27 510	-	323	161	24 700	166	167	1 851	768	648	11
5 to 7 years	83 214	-	1 207	688	73 748	453	466	6 286	1 834	1 480	93
8 years	58 916	-	872	470	51 919	252	410	4 645	1 476	1 252	51
school: 1 to 3 years	143 346	-	2 049	746	127 814	683	900	10 757	3 747	3 382	135
4 years	167 395	-	2 570	1 212	148 504	749	1 232	12 572	2 908	2 684	101
ge: 1 to 3 years	33 600	-	527	288	29 195	127	260	3 078	603	550	42
4 years or more	21 058	-	507	268	17 460	163	240	2 336	428	275	125
ian school years completed	10.9	-	11.3	11.3	10.9	10.8	11.5	11.1	10.4	10.5	11.4
ent high school graduates	40.8	-	44.4	45.6	40.5	39.5	46.1	42.5	32.9	33.7	45.3
MILY COMPOSITION											
Families	440 232	5	6 299	2 453	394 904	1 646	3 184	29 944	11 807	10 378	549
own children under 3 years	82 489	5	1 024	329	74 264	189	740	5 587	3 433	3 006	178
own children under 6 years	144 045	5	1 854	629	129 230	377	1 111	10 214	5 260	4 654	264
own children under 12 years	226 651	5	2 820	1 019	203 221	619	1 651	16 423	7 440	6 584	337
own children under 18 years	278 029	5	3 593	1 314	249 204	848	2 002	19 969	8 490	7 520	373
sons daughters under 25 years	304 203	5	4 079	1 528	272 559	981	2 149	21 712	8 972	7 958	398
sons [illegible]ters 13 to 19 years	124 329	-	1 676	667	110 783	478	740	9 388	3 279	2 903	131
sons [illegible]ters 18 to 24 years	66 879	-	1 031	434	59 799	276	373	4 753	1 404	1 254	60
Persons, under 18 years old	723 832	10	9 133	3 484	638 408	2 313	5 176	61 364	27 318	23 819	1 176
g with both parents	391 326	10	5 344	2 076	339 984	1 436	2 916	37 214	15 469	13 152	856
ercent of total	54.1	...	58.5	59.6	53.3	62.1	56.3	60.6	56.6	55.2	72.8
ILDREN EVER BORN											
Women, 35 to 44 yr. old, ever married	119 777	-	1 880	815	105 686	554	669	9 652	3 058	2 659	111
dren ever born	345 468	-	4 761	2 028	304 740	1 369	1 752	29 086	11 486	10 093	360
er 1,000 women ever married	2 684	-	2 532	2 488	2 883	2 471	2 619	3 013	3 756	3 796	3 243

Table 97. Social Characteristics of Persons of Puerto Rican Birth or Parentage for Areas and Places: 1970—Continued

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

Standard Metropolitan Statistical Areas Places of 50,000 or More (or Central Cities) Urban Balance Urbanized Areas Places of 50,000 or More	Standard metropolitan statistical areas—Con.										
	New York								Rochester		
	Total	Levittown (U)	Mount Vernon	New Rochelle	New York	White Plains	Yonkers	Urban balance	Total	Rochester	Urban balance
PLACE OF BIRTH											
Total population	**845 775**	**541**	**316**	**258**	**811 843**	**343**	**2 630**	**29 024**	**6 596**	**5 456**	**949**
Foreign born	–	–	–	–	–	–	–	–	–	–	–
Native	**845 775**	**541**	**316**	**258**	**811 843**	**343**	**2 630**	**29 024**	**6 596**	**5 456**	**949**
Born in State of residence	339 318	269	139	98	323 129	141	835	14 277	2 212	1 696	441
Born in different State	4 854	6	–	–	4 392	20	19	385	138	100	24
Northeast	1 916	–	–	–	1 724	20	–	163	89	77	12
North Central	1 012	–	–	–	946	–	–	66	8	8	–
South	1 361	6	–	–	1 197	–	19	116	36	15	12
West	565	–	–	–	525	–	–	40	5	–	–
Born abroad, at sea, etc.	494 642	266	177	160	477 980	182	1 497	14 022	4 165	3 588	475
State of birth not reported	6 961	–	–	–	6 342	–	279	340	81	72	9
RESIDENCE IN 1965											
Total population, 5 years old and over	**736 460**	**489**	**280**	**228**	**706 627**	**320**	**2 182**	**25 598**	**5 548**	**4 595**	**789**
Same house	328 435	317	94	87	317 063	150	567	9 908	942	762	153
Different house in United States	307 855	153	147	105	293 733	152	968	12 207	3 009	2 392	516
Same county	218 286	48	54	4	212 084	64	634	5 271	2 550	2 083	411
Different county	89 569	105	93	101	81 649	88	334	6 936	459	309	105
Same State	83 532	105	93	101	76 050	88	334	6 527	329	216	82
Different State	6 037	–	–	–	5 599	–	–	409	130	93	23
Northeast	2 843	–	–	–	2 649	–	–	194	102	79	23
North Central	1 268	–	–	–	1 174	–	–	74	14	14	–
South	1 232	–	–	–	1 135	–	–	97	14	–	–
West	694	–	–	–	641	–	–	44	–	–	–
Abroad	55 824	6	11	17	53 311	–	253	2 198	1 120	1 018	82
Moved, 1965 residence not reported	44 346	13	28	19	42 520	18	394	1 285	477	423	38
SCHOOL ENROLLMENT											
Total enrolled, 3 to 34 years old	**261 956**	**204**	**83**	**51**	**250 369**	**164**	**710**	**10 114**	**2 258**	**1 863**	**312**
Nursery school	2 936	6	7	–	2 767	–	6	150	43	29	6
Public	2 342	6	–	–	2 246	–	6	84	8	8	–
Kindergarten	16 188	6	7	–	15 293	–	74	796	164	141	23
Public	15 300	6	–	–	14 448	–	57	777	117	104	13
Elementary (1 to 8 years)	176 065	139	48	24	168 417	131	470	6 625	1 709	1 393	263
Public	157 167	133	48	18	150 078	118	424	6 164	1 248	1 042	153
High school (1 to 4 years)	58 165	45	14	9	55 775	24	132	2 134	316	288	6
Public	53 477	45	14	9	51 213	24	126	2 032	298	270	6
College	8 602	8	7	18	8 117	9	28	409	26	12	14
Percent enrolled, 3 to 34 years old	**46.8**	**62.8**	**39.3**	**32.1**	**46.6**	**59.2**	**40.9**	**53.5**	**49.7**	**49.5**	**49.3**
3 and 4 years old	11.1	...	...	–	11.1	–	6.4	11.0	12.6	11.2	...
5 and 6 years old	72.4	...	...	–	71.9	...	89.9	85.1	72.1	72.6	...
7 to 13 years old	94.7	99.9	...	...	94.6	99.9	94.2	95.5	94.4	95.2	90.7
14 and 15 years old	91.6	...	...	...	91.6	...	...	93.0	85.7	84.3	...
16 and 17 years old	77.6	...	...	–	77.3	...	...	87.4	60.4	52.4	...
18 and 19 years old	41.5	...	...	...	41.0	...	28.5	55.7	44.6	47.7	–
20 and 21 years old	9.4	–	–	...	9.4	–	–	9.2	6.6	–	...
22 to 24 years old	4.3	–	–	–	4.3	...	3.1	4.1	–	–	–
25 to 34 years old	2.1	7.8	–	–	2.1	–	4.5	2.9	–	–	–
YEARS OF SCHOOL COMPLETED											
Male, 25 years old and over	**162 343**	**157**	**85**	**79**	**155 430**	**61**	**510**	**5 842**	**1 286**	**1 032**	**227**
No school years completed	6 533	–	–	–	6 336	8	7	182	74	60	6
Elementary: 1 to 4 years	21 173	6	14	5	20 623	13	45	449	181	164	17
5 to 7 years	33 613	12	5	20	32 402	16	160	959	366	280	86
8 years	22 953	–	12	16	22 158	11	69	684	206	179	14
High school: 1 to 3 years	41 586	71	27	14	39 845	–	56	1 530	201	174	27
4 years	29 140	54	13	9	27 656	8	107	1 256	209	151	58
College: 1 to 3 years	5 092	6	6	7	4 479	–	47	531	12	–	6
4 years or more	2 253	8	8	8	1 931	5	19	251	37	24	13
Median school years completed	8.9	11.6	...	...	8.8	...	8.6	10.3	8.1	8.1	8.3
Percent high school graduates	22.5	43.3	...	...	21.9	...	33.9	34.9	20.1	17.0	33.9
Female, 25 years old and over	**197 521**	**142**	**64**	**57**	**189 698**	**46**	**617**	**6 668**	**1 031**	**870**	**149**
No school years completed	13 923	5	5	–	13 454	20	67	366	52	52	–
Elementary: 1 to 4 years	31 718	5	12	–	31 080	–	66	549	211	174	37
5 to 7 years	45 053	23	10	11	44 014	4	110	862	270	254	16
8 years	25 512	–	–	–	24 724	3	47	721	81	70	11
High school: 1 to 3 years	42 830	52	22	16	41 076	–	112	1 472	237	203	22
4 years	32 196	57	8	21	29 730	19	173	2 141	111	86	25
College: 1 to 3 years	4 462	–	7	–	4 026	–	20	372	42	22	20
4 years or more	1 827	–	–	9	1 594	–	22	185	27	9	18
Median school years completed	8.3	11.2	...	...	8.3	...	9.5	10.7	7.6	7.0	10.4
Percent high school graduates	19.5	40.1	...	...	18.6	...	34.8	40.5	17.5	13.4	42.3
FAMILY COMPOSITION											
Families	**207 868**	**164**	**98**	**54**	**200 676**	**75**	**659**	**5 985**	**1 313**	**1 106**	**188**
With own children under 3 years	56 478	27	20	4	54 556	5	213	1 606	448	381	59
With own children under 6 years	88 830	55	44	20	85 755	21	313	2 540	677	563	101
With own children under 12 years	130 837	103	54	35	126 164	34	397	3 943	984	803	162
With own children under 18 years	155 090	146	71	35	149 576	39	446	4 654	1 085	897	169
With sons/daughters under 25 years	167 085	146	71	40	161 238	39	466	4 958	1 121	933	169
With sons/daughters 13 to 19 years	62 904	56	22	–	60 598	18	130	2 041	413	353	55
With sons/daughters 18 to 24 years	30 759	21	12	5	29 679	5	64	960	151	151	–
Persons under 18 years old	**377 545**	**223**	**121**	**87**	**362 021**	**210**	**1 149**	**13 398**	**3 480**	**2 880**	**487**
Living with both parents	231 411	223	86	62	219 488	48	823	10 461	2 894	2 418	397
Percent of total	61.3	100.0	71.1	...	60.6	22.9	71.6	78.1	83.2	84.0	81.5
CHILDREN EVER BORN											
Women, 35 to 44 yr. old, ever married	**52 838**	**44**	**20**	**12**	**50 474**	–	**169**	**2 080**	**278**	**225**	**53**
Children ever born	178 329	111	35	24	170 331	–	584	7 158	1 353	1 131	222
Per 1,000 women ever married	3 375	...	...	...	3 375	–	3 456	3 441	4 867	5 027	...

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Ex. 49
LABOR FORCE STATISTICS w/ AFFIDAVIT

LGC:par
d-578

NON WHITE LABOR FORCE
STATISTICS FOR THE FIVE
BOROUGHS OF NEW YORK

As set forth below, plaintiffs and the State have calculated the size of the non white labor force in the five boroughs of New York. All data used in the following tables are found in General Social and Economic Characteristics: 1970 Census of Population: New York, and Estimates of Population by Sex, Race and Age: Demographic Analysis, PHC(E)-4, published by the Bureau of the Census, United States Department of Commerce. Since the census tables do not contain all the relevant data, certain assumptions, as noted below, have been made to compute the size of the non-white labor force.

— Ex. 47

Male Labor Force

The following table computes the percentage of the male population 25 years old and over with a high school education or less:

LGC:par
d-578

TABLE A

COUNTY	(1) Number of Males 25 yrs. old and over with a high school education or less (Table 120)	(2) Number of Males 25 yrs. old or over (Table 120)	(3) Percentage of Males 25 yrs. old and over with a high school education or less (Col. 1 ÷ Col. 2)
Bronx	316,475	372,402	84.98
Kings	557,042	672,859	82.79
New York	304,783	470,904	64.72
Queens	429,044	571,348	75.09
Richmond	59,557	76,613	77.74
TOTAL	1,666,901	2,164,126	77.02

Assuming that the percentage of the male labor force 16 years old and over with a high school education or less is approximately the same as the percentage of the male population 25 years old and over with a high school education or less (computed above in TABLE A), then the total number of males 16 years old and over with a high school education or less in the labor force can be computed by applying the

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d-578

percentage computed in TABLE A to the total number of males 16 years old and over in the labor force. Based on this assumption, the number of males 16 years old and over with a high school education or less in the labor force is as follows:

TABLE B

COUNTY	(1) Total Number of Males 16 yrs old and over in the Labor Force (Table 121)	(2) Percentage of Males 25 yrs old and over with a high school education or less (TABLE A, Col. 3)	(3) Number of Males 16 yrs old and over with a high school education or less in the Labor Force (Col. 1 x Col. 2)
Bronx	335,518	84.98	285,123
Kings	620,316	82.79	513,560
New York	414,066	64.72	267,984
Queens	544,177	75.09	408,623
Richmond	74,697	77.74	58,069
TOTAL	1,988,774	77.02	1,531,754

Black Labor Force

The following table computes the percentage of the black male population 25 years old and over with a high school education or less:

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TABLE C

COUNTY	(1) Number of Black Males 25 yrs. old and over with a high school education or less (Table 125)	(2) Number of Black Males 25 yrs. old and over (Table 125)	(3) Percentage of Black Males 25 yrs. old and over with a high school education or less (Col. 1 ÷ Col. 2)
Bronx	65,132	72,200	90.21
Kings	115,334	129,462	89.09
New York	87,247	99,076	88.06
Queens	47,960	57,644	83.20
Richmond	2,350	2,804	83.81
TOTAL	318,023	361,186	88.05

Assuming that the percentage of the black male labor force 16 years old and over with a high school education or less is approximately the same as the percentage of the black male population 25 years old and over with a high school education or less (Computed in TABLE C), then the total number of black males 16 years old and over with a high school education or less in the labor force can be computed by applying the

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d-578

percentage computed in TABLE C to the total number of black males 16 years old and over in the labor force. Based on this assumption, the number of black males 16 years old and over with a high school education or less in the labor force is as follows:

TABLE D

COUNTY	(1) Total Number of Black Males 16 yrs. old and over in the Labor Force (Table 126)	(2) Percentage of Black Males 25 yrs. old and over with a high school education or less (TABLE C, Col. 3)	(3) Number of Black Males 16 yrs. old and over with a high school education or less in the Labor Force (Col. 1 x Col. 2)
Bronx	68,107	90.21	61,439
Kings	124,460	89.09	110,881
New York	84,104	88.06	74,062
Queens	57,354	83.20	47,719
Richmond	2,923	83.81	2,450
TOTAL	336,948	88.05	296,683

1005

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d-578

Spanish Surname Male Labor Force

Since the census tables do not provide specific data as to the education level and the size of the work force of the Spanish-surname population, certain assumptions and conversions, as described below, have been made in order to develop this data.

First, since the census tables for New York do not contain data for the Spanish-surname population, data for the "Spanish language" population (defined in Appendix B of General Social and Economic Characteristics: 1970 Census of Population: New York) has been used herein. The size of the Spanish language population is as follows:

1006

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d-578

TABLE E

COUNTY	Spanish Language Population (Table 119)
Bronx	407,322
Kings	392,575
New York	312,722
Queens	153,691
Richmond	12,320
TOTAL	1,278,630

Second, the census tables do not provide data concerning the size of the male Spanish language work force 16 years old and over. In order to compute that number, the following assumption and computations must be made. Data concerning the size of the Puerto Rican population (Table 119) and the male Puerto Rican labor force 16 years old and over (Table 131) are provided. Using that data, TABLE F computes the percentage of the Puerto Rican population consisting of males 16 years old and over in the labor force:

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TABLE F

COUNTY	(1) Total Number of Puerto Rican Males 16 yrs. old and over in the Labor Force (Table 131)	(2) Puerto Rican Population (Table 119)	(3) Percentage of Puerto Rican Population Consisting of Males 16 yrs. old and over in the Labor Force (Col. 1 ÷ Col. 2)
Bronx	60,241	316,772	19.02
Kings	48,515	271,769	17.85
New York	38,774	185,323	20.92
Queens	8,000	33,141	24.14
Richmond	762	4,838	15.75
TOTAL	156,292	811,843	19.25

Then assuming that the percentage of the Spanish language population consisting of males 16 years old and over in the labor force is approximately the same as the percentage of the Puerto Rican population consisting of males 16 years old and over in the labor force TABLE F, Col. 3), the number of Spanish language males 16 years old and over in the labor force is as follows:

1008

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TABLE G

COUNTY	(1) Spanish Language Population (TABLE E)	(2) Percentage of Puerto Rican Population Consisting of Males 16 yrs old and over in the Labor Force (TABLE F, Col. 3)	(3) Total Number of Spanish-language males 16 yrs. old and over in the Labor Force (Col. 1 x Col. 2)
Bronx	407,322	19.02	77,473
Kings	392,575	17.85	70,075
New York	312,722	20.92	65,421
Queens	153,691	24.14	37,101
Richmond	12,320	15.75	1,940
TOTAL	1,278,630	19.25	246,136

Third, having computed the number of Spanish language males 16 years old and over in the labor, it is possible to estimate the number of Spanish language males 16 years old and over with a high school education or less in the labor force. Again the census tables do not provide such

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d-578

information, so the following assumption and computations must be made. The census tables provide data concerning the size and education of the Puerto Rican male population 25 years old and over. (Table 130) Using that data, TABLE H computes the percentage of the Puerto Rican male population 25 years old and over with a high school education or less:

TABLE H

COUNTY	(1) Number of Puerto Rican Males 25 yrs. old and over with a high school education or less (Table 130)	(2) Number of Puerto Rican Males 25 yrs. old and over (Table 130)	(3) Percentage of Puerto Rican Males 25 yrs old and over with a high school education or less (Col. - Col. 2)
Bronx	57,509	59,808	96.16
Kings	45,702	47,235	96.75
New York	38,629	40,305	95.84
Queens	6,565	7,416	88.52
Richmond	615	666	92.34
TOTAL	149,020	155,430	95.88

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Then, assuming that the percentage of the Spanish language male population 16 years old and over with a high school education or less in the labor force is approximately the same as the percentage of the Puerto Rican male population 25 years old and over with a high school education or less (TABLE H, Col. 3), the number of Spanish language males 16 years old and over with a high school education or less in the labor force is as follows:

TABLE I

COUNTY	(1) Total Number of Spanish-Language Males 16 yrs. old and over in the Labor Force (TABLE G. Col. 3)	(2) Percentage of Puerto Rican Males 25 yrs. old and over with a high school education or less (TABLE H, Col. 3)	(3) Total Number of Spanish-Language Males 16 yrs. old and over with a high school education or less in the Labor Force (Col. 1 x Col. 2)
Bronx	77,473	96.16	74,498
Kings	70,075	96.75	67,798
New York	65,421	95.84	62,699
Queens	37,101	88.52	32,842
Richmond	1,940	92.34	1,791
TOTAL	246,136	95.88	235,995

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d-578

SUMMARY AND CONCLUSIONS

Based upon the above described data, assumptions and computations, the number of non-white males 16 years old and over with a high school education or less in the labor force is as follows:

TABLE J

COUNTY	(1) Number of Black males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE D, Col. 3)	(2) Number of Spanish Language males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE I, Col.3)	(3) Total Number of Non-white males 16 yrs old and over with a high school education or less in the Labor Force (Cols. 2+3)
Bronx	61,439	74,498	135,937
Kings	110,881	67,798	178,679
New York	74,062	62,699	136,761
Queens	47,719	32,842	80,561
Richmond	2,450	1,791	4,241
TOTAL	296,683	235,995	532,678

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d-578

As computed in TABLES K through M below, blacks comprise 19.37% of the total male work force 16 years old and over with a high school education or less and Spanish language males comprise 15.41%, for a total non-white percentage of 34.78.

TABLE K

COUNTY	(1) Total Number of Males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE B, Col. 3)	(2) Number of Black Males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE D, Col.3)	(3) Percentage of Black Males 16 yrs. old and over with a high school education or less in the Labor Force (Col. 2 ÷ Col. 1)
Bronx	285,123	61,439	21.55
Kings	513,560	110,881	21.59
New York	267,984	74,062	27.64
Queens	408,623	47,719	11.68
Richmond	58,069	2,450	4.22
TOTAL	1,531,754	296,683	19.37

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d-578

TABLE L

COUNTY	(1) Total Number of Males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE B, Col. 3)	(2) Number of Spanish-Language Males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE I, Col. 3)	(3) Percentage of Spanish Language Males 16 yrs old and over with a high school education or less in the Labor Force (Col. 2 ÷ Col. 1)
Bronx	285,123	74,498	26.13
Kings	513,560	67,798	13.20
New York	267,984	62,699	23.40
Queens	408,623	32,842	8.04
Richmond	58,069	1,791	3.08
TOTAL	1,531,754	235,995	15.41

TABLE M

COUNTY	(1) Total Number of Males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE B, Col.3)	(2) Total Number of Non-white males 16 yrs. old and over with a high school education or less in the Labor Force (TABLE J, Col.3)	(3) Percentage of Non-white males 16 yrs. old and over with a high school education or less in the Labor Force (Col. 2 ÷ Col. 1)
Bronx	285,123	135,937	47.68
Kings	513,560	178,679	34.79
New York	267,984	136,761	51.03
Queens	408,623	80,561	19.72
Richmond	58,069	4,241	7.30
TOTAL	1,531,754	532,678	34.78

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The Bureau of the Census has made certain estimates of net census errors by sex, race and age which are published in Estimates of Coverage of Population by Sex, Race and Age: Demographic Analysis, PHC(E)-4. Included in this publication are undercount factors computed for the male population and for the black male population. (Id. at p. 29 Table 3) No undercount factor has been computed for the Spanish Language population. (Id. at p. 21)

EX 48

Applying the undercount factors computed by the Bureau of the Census, TABLE N corrects the totals and percentages contained in TABLES K and M. As computed therein, nonwhites compise 36.20% of the labor force composed of males 16 yrs. old and over with a high school education or less.

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1018

-16-

TABLE N

	(1) Original Total (TABLES K & M)	(2) Undercount Factor	(3) Corrected Total *	(4) Corrected Percentage
Number of Males 16 yrs. old and over with a high school education or less in the Labor Force	1,531,754	.033	1,584,027	
Number of Black Males 16 yrs. old and over with a high school education or less in the Labor Force	296,683	.099	329,282	$\frac{329,282}{1,584,027}$ = 20.79
Number of Spanish Language Males 16 yrs. old and over with a high school education or less in the Labor Force	235,995 (TABLE L)			15.41
Corrected Percentage of Nonwhite males 16 yrs. old and over with a high school education or less in the Labor Force				36.20

*The Corrected Total is computed as follows:
Original Total = Corrected Total x (1-Undercount Factor) or $\frac{\text{Original Total}}{(1-\text{Undercount Factor})}$ = Corrected Total

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------x

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and the CITY OF NEW YORK, :

Plaintiff, : 71 Civ. 2877

-v- : (HFW)

LOCAL 28, et al., :

Defendant. :

----------x

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YOR)

LOUIS G. CORSI, being duly sworn deposes and says:

1. I am an Assistant United States Attorney in the office of Paul J. Curran, United States Attorney for the Southern District of New York and counsel to plaintiff United States Equal Employment Opportunity Commission ("EEOC") in the above-captioned action. I submit this affidavit in order to set forth the procedures, assumptions and computations underlying the demonstrative exhibit describing the non-white labor force in New York City which has been marked Plaintiffs' Exhibit 49 for Identification.

2. As set forth in Exhibit 49, p.1, all data used therein are found in General Social and Economic Characteristics: 1970 Census of Population: New York (Exhibit 47 in evidence) and Estimates of Population by Sex Race and Age: Demographic Analysis, PHC (E)-4 (Exhibit 48 in evidence).

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3. In order to calculate the size of the relevant labor force in New York City, the plaintiffs and the State have made certain assumptions. First, it is the plaintiffs' and the State's position that the relevant work force consists of males with a high school education or less. Raw labor force statistics, without such an educational limitation -- or conversely, defined as males "with a high school education or more" which was suggested by Local 28 (Pre-Trial Memorandum dated January 9, 1975, p.9) -- are inadequate, if not misleading. Persons with advanced educational qualifications are unlikely to have been applicants for positions as apprentices or journeymen in the sheetmetal industry. There is testimony in the record herein that certain officers and/or members of Local 28 have not received a high school diploma, and that the lack of such an educational level has not adversely affected their performance as sheetmetal mechanics. Indeed, prior to 1965, there was no high school education requirement. (Stipulation of Facts, dated December 16, 1974, ¶¶ 34 and 36.) Moreover, if a greater percentage of non-whites have not finished high school or have not gone to college -- and therefore a greater percentage of such non-whites are and have been part of the available labor force for the jobs with which this Court is concerned -- then such available statistics must be employed to place these non-whites in the same position they would have been in absent discrimination.

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4. Second, the plaintiffs and the State have used data for "Spanish - language males" to calculate the "Spanish - surname" component of the non-white labor force because the census tables for New York do not contain data for the Spanish surname population. (Exhibit 49, p.6.) "Spanish-language" data was used, rather than data for "Spanish origin or descent" as suggested by Local 28 (Pre-Trial Memorandum, pp. 10-11), because the data for the Spanish language population is based upon a 15% sample. (Exhibit 47, App.-7). Data for the "Spanish origin or descent" population is based only on a 5% sample (Exhibit 47, App.-7), and would therefore be a less accurate basis from which to compute the size of the relevant Spanish surname population.

5. Based upon these underlying assumptions, I then proceeded to isolate the best available labor force data. In this regard the best available data is that contained in the 1970 census for "males 16 years old and over in the labor force." Since that data does not, however, contain information concerning the education attained by members of that group, further assumptions concerning education had to be made. (As described in Exhibit 49.)

6. Once that data was gathered, I performed the necessary calculations, as described in Exhibit 49, to arrive at a figure for the total percentage of the non-white male labor force 16 years old and over with a high school education or less. (Exhibit 49, p. 14, Table M.)

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Additionally, I applied undercount factors to the data describing the relevant male labor force and the relevant black male labor force. (Exhibit 49, pp. 15-16.) These, among other undercount factors, have been computed by the Bureau of the Census to reflect the undercount of individuals in the 1970 census. An undercount for the Spanish language population has not yet been computed by the Bureau of the Census, and therefore, no recomputation for that subcategory of non-white males in the relevant labor force has been made.

7. All of the calculations and mathematical operations described in Exhibit 49 were performed by me and the figures included in that Exhibit are the result of those calculations and operations.

Louis G Corsi

LOUIS G. CORSI
Assistant United States Attorney

Sworn to before me this
30th day of January 1975.

Walter G Brannon

Notary Public

WALTER G. BRANNON
Notary Public, State of New York
No. 24-0394500
Qualified in Kings County
Cert. filed in New York County
Term Expires March 30, 1975

EXHIBIT 51

Minutes, October 4, 1951 (#2074), Page 123

When the case is decided, in all probability it will be decided on creditability of the witnesses and their testimony. We most certainly looked to be the most creditable by all appearances, and the summing up of our attorney was in every phase and by point of law a most commendable job. We now await the "Keil Ex summis" decisions. On Oct 22nd 1951, the case of Sims Co vs Local 28 can be dismissed or it may be carried further to trial by court. Mr Lon Phillips spoke on the organization of blow pipe shops for N.Y.C. As explained by the chairman, we now control a small percentage of these shops and as regards to both management and labor, they present a problem that requires further investigation as far as full control we concerned. A motion was made and 2nd that the next meeting held on Oct 18th 1951 be declared regular and special for the purpose of discussion on the "Taft Hartley Act" and its application to Local #28.

The motion was carried. As there was no further business the chair adjourned the meeting 10:55 P.M.

Jos McConnell Pres

EXHIBIT 51

Minutes, August 21, 1951 (#2098), Page 197

from our attorney and counsel and our pro-
ceedings inquired for. This information is being obtained
to enable the effective board to judge the case
properly in case further litigation is resorted to by
those involved. When all of this information is obtained
the board will make a decision. On the question:
Motion to accept section one as read was carried.
Section 2 was read. Motion was made 2nd to accept
as read. On the question Motion was carried.
Section 3 was read. Motion was made and 2nd to
accept as read. On the question general discussion
was carried to the floor by several members On the
question. a standing vote was requested. Vote tally
was 53 to accept 19 against. Motion was carried
Communications and Bills. Motion was made
reading of bills be postponed until next meeting.
Motion was carried. Bus agents reports. The report
of bus agent Mr Turner, Lon Kahl, Al Murdock, Le Callen
and Mr Hawkes were read. All reports upon motion
were adopted as read. General members took the
floor as also bus agents speaking on general
conditions grievances of work and what the union
should do. Motion was made to extend the hours
Motion was carried. Subject of sleeve became
general discussion it was brought out we get more
cooperation from the plumbers than we do from the
steamfitters. Reorganization of blow pipe shops was discus-
sed back and forth. Bus Agents brought out both good and
bad points. On question of shop stewards it was
brought out, rulings, inserted into agreement we last
negotiations as shop stewards was lost. As there
was no further business the chairman ad-

1022

EXHIBIT 51

Minutes, September 20, 1962 (#2357), Pages 256-57

request - a Mr Katts of Kew-air Co appeared before the Board requesting a Contract with Local #28 and take in 4 Men and (1) Apprentice 1 after much discussion & questioning these men Regarding efficiency and Salaries. The board ruled Local #28 should man this shop and denied Kew air request as there was no further Business the chair declared the meeting at 9:30 P M, Resp Submitted John Mulhearn Rec. Secty. The report & Motion Duly Sec: was adopted as read. The Quarterly report for 3 months ending Dec. 1961 was read and upon motion duly Sec. was adopted as read. Reports of Bus. Agents Costello, Day, Weigel, Kuhl, & Mindich were upon motion duly sec. adopted as read. Bro Jos Schwartz requested information on Rosedale Estates Job in regards to getting paid one days pay for 3 men. Bro Costello & Farrell gave a full report on the Job and put in a claim for it and will do all in their power to collect same. Bro Reiter questioned Bro Kahl on Louvers of Geo. Washington Bridge. He also questioned a permit man being sent to Atlas Sheet Metal Co. Bro. Farrell reported on conditions on Staten Island. He visited the Island with Bro Day and Covered as many Shops and Job sites as they could. It will take a great effort to Organize the Island, but with the help of other trades. We will be successful. At the present time there are a lot of (1) family homes being built and Super Markets. But when the new Bridge is completed. Commercial Bldgs will be coming in.

In taking of Permit Men Bro Farrell stated he is going before the Ex Board with a list of men on record in our Office from 3 to 7 years working on Permits with no cards and bring them in to our Local. We dont like to use permit men but we have to man these Jobs. As there was no further business the chair adjourned the meeting at 11:20 P M Respectfully Sub Mitted J Mulhearn Rec Secty

EXHIBIT 51

Minutes, October 18, 1962 (#2359), Page 259

2359 The regular meeting of Local 28 Sh. Mill Wk IA Union was held Thurs. Oct 18, 1962 at Webster Hall. Meeting was called to Order by V.P. Leo Molette at 8:30 P.M. Bus Mell Farrell attending Convention. The deaths of the following Brothes were read. Thomas Cuozzo. John Regan James Taylor, Gerald O'Neil & Alex Stanley. Minutes of 2,358 meeting were read and upon motion duly sec. was adopted as read. The Ex. Board submitted its report of meeting held Wed Oct 10, 1962 at the Local office 350 Bway. Meeting was called to Order by V.P. Leo Molette With all Offices and Members of Board present with the exception of Bus Mell Farrell who was attending the Convention Order of Bus Rott Schuck IA # 95746 on Pension requested reduction in dues to 40c per Mo: Board granted his request: Alex Wagnow IA # 328,455 pleaded before the board on Transfer Card Board told him to keep working as we are not accepting transfer cards at present; Stewart Jenson, Henry Fraser, Mike Abdel, Wm Delgerglio, Emil Kent appeared before the board on Applications filed: Board ruled they be referred to Examining Board. The board agreed to Organize the Shop of Andrew Herzig Inc and sign them to a Local 28 Contract with the provision he post a bond and we take no one in his employ into Local #28, The board discussed the unemployment situation, and ask the Bus agents to check their Jobs & Shops and report any Permit men

EXHIBIT 51

Minutes, August 1, 1963 (#2380), Page 293-94

Local 28 Territory, with them Continued to over
International when they were stopped. We also

Farrell

294

reported on a Meeting of the Bldg Trade Council on the Non-White situation, while only 2 Trades stood up for their right. The Plumbers & the Sh Metal Wkr. a committee was set up. 2 from Industry 2 from Labor and 2 out Sides to screen applicants for Apprenticeship and Membership and they are to refer them to the Unions for their appraval. Bro Farrell then reported on a Meeting with the Mayor when Pete Brennan explained the position taken by the Council and said that is as far as we will go.

Bro Farrell told the Mayor that 10 years ago we had 2 No Whites in Local 28 and in his time as Secty & Pres of Local 28 not more than 6 Non-Whites filed applications and at the present Time we have 3 late for Apprentice Ship, one from Ky one from Alabama and one from Virginia. The Mayor did state that he would not have people put out of Work just to put others to work. Bro Farrell asked and

EXHIBIT 51

Minutes, November 19, 1964 (#2411), Page 41

Bro Farrell reported on the stoppage of Work on St Pious school due to Mnfrs coming in with prefabricated Casings Fittings and dampers and the Calling off the meeting of a Joint adj. Board Meeting on the above due to failure of our Sheet Metal Contractors to attend. He also report on a meeting we had with Ted Kiehl the arbitrator on forming an apprentice Class. Bro Farrell also advised the members that Bro Mosher informed him that our International, has started organizing the Blow pipe Industry in our territory. We have stayed away from this Industry, because under rule VIII of our Agreement we could not give them more favorable Conditions than we give to our Contractors. At our next Meeting I will be able to advise you fully on the Subject Bro Elrick was concerned about the Closing of the Brooklyn Navy Yard and wanted to know what our position would be regarding Local 401 members trying to transfer in to Local 28. Bro Farrell advised Bro Elrick that your officials are very much concerned and have talked this over for the past 2 months. We will not accept Transfer cards while we have unemployment. We have two other Locals in my City. Local 137 and Local 400. What our D.A. will do. We can not say at the present Time. As there was no further Business the Chair adj the Meeting at 9:45 P.M Resp. Submitted John Mulkeen Rec. Secty

EXHIBIT 51

Minutes, December 17, 1964 (#2413), Pages 43-45

Brother Farrell reported on the 58th St & 3rd ave Job where our men refused to unload dampers from Milwaukee Wisc. and of a telegram he received from Gen Pres. Ed Carbaugh ordering him to accept and install them. and his telegram in answer to the Gen Pres. stating that dampers is provided for in addendum 'B' of our agreement and quoting same. We are very much concerned about these dampers because Locals 28 can not survive by just manpower Duct Work. Bro Elrich stated that in 1955 we were assessed 2% by the I A for Organizing purposes but note its hurting us. We can not compete with Industrial Locals rates of pay. They are now in here signing up the Blow pipe Industry encroaching on our work. We should go on record as protesting the action of our International assoc. A Motion was made and duly sec. to protest the action of our I.A. and protect Manufactured Items in addendum 'B' of

our agreement at all Cost. Reports of Business agents Costello Moletz, Weigel, & Kahl were upon Motion duly sec. adopted as read. Bro Day stepped on a nail and was excused. There was quite a discussion on Fulton Roofing Methods in paying by Check. Bro Farrell stated he will be in their office at 9:00 AM Friday and stop it at once, and if any man

EXHIBIT 51

Minutes, January 6, 1965 (#2414), Pages 45-47

purchases new Cars The Ex Board recomends that the next meeting be a regular & Special Meeting to discuss the Organizing of the Blow pipe Industry at Industrial Rates. As there was no further Special Order of Bus Called For

agenda Discussion on the Blow pipe Industry
Discussion on addendum B regarding fabricated Items
Brother Farrell advised the Members that he called a Special meeting of the Ex board and will have the minutes read.
The Ex. Board Submitted its report of meeting held on Monday Jan 4, 1965 at the Locals office 350 Bway. Meeting was called to Order by V.P. Wm Cooke with all Officers & Members of Board present
Order of Business. Agenda - Organizing the Blow pipe Industry in My City. Bro. Farrell advised the Board that in his letter to the Membership dated Dec 29 1964 Where he stated. I am informed that Meetings with our International Representatives and attorneys for the I.A and attorneys for the Blow pipe Employers have been held in Washington. This Bro Farrell stated that Gen. Pres. Carlough said is untrue. There was no meeting in Washington.
Bro. Farrell read from the Constitution the authority vested in the Gen Pres. After much discussion on the subject the Ex. Board and your Officials went on record as unanimously opposed to Organizing the Blow pipe Industry unless it was organized under the Building Trades rates and Conditions
As there was no further Business the Chair adj the Meeting at 9:00 P.M Resp Sub Mitted J Mulheron R.S.
There was a Motion Made to adopt the report and Bro Farrell opened the floor for discussion
Bro Lindsay suggested that the two Organizers speak first. Bro O'Keefe inquired whether they have been signed up and if a Charter has been issued Organizator Roberts it has been organized but no Charter has been issued.

1029

Bro Brady said perhaps we can send in our objections to the L. D.. How can this help Local 28 with 300 men out of Work and the Navy Yard men with Local 28 Cards being laid off. This is a semular Condition that happend in Germany. I recomend that we go along with the Ex Boards report:

Bro Farrell outlined to the members how much its going to hurt Local 28 and Possibilities of them Manufacturing Fabricated Items in addendum B. of our agreement. He had Meeting with them since 1959 but could not agree on Demarcation:

The Local 28 could not take them in at a lower wage scale because in rule 8 of our agreement which states. Local 28 agrees that it will not enter into an agreement with any Employer containing more favorable Conditions than those agreed to in the current agreement. The Concensus of the speakers was that the L. A. has done nothing for us but take our work away and under no Condition should they organize the Blow Pipe Industry. Vote was called for. It was unanimous to accept and adopt the Ex. Board. Report:

Bro. Mosher and Organizer Roberts spoke in behalf of the International stating they have no intention of hurting Local 28. If they dont sign them up. The Teamsters or Carpenters will. Chicago organized them under a reduced rate and after 5 years brought them up to Bldg Trades rate. If they go into any Items besides Blow Pipe Local #28 can claim this Work and all problems can be Ironed out with our International.

On the Second Order of Business

Bro Farrell stated the trouble your officials have in controlling Fabricated Items: We can not survive just Manufacturing duct Work. He read 3 telegrams threatening us with Charges to be filed with N.L.R.B If this continues We will have to take drastic action and declare a Holiday. as there was no further Business the Chair adj the meeting at 7:20 P.M.

Resp. Submitted John Mulhearn Rec. Sec.

EXHIBIT 51

Minutes, January 21, 1965 (#2415), Page 49

Reports of Bus Agents. Costello, Day, McCate, Weigel and Kahl was upon motion duly second adopted as read. Bro Farrell reports on the Tracy Job. Where louvers was awarded to Extruded Louvers Co of Williamsport Pa who has agreed to have all functional louvers of the job and all Louvers on future jobs to be manufactured by the Employers having a Contract with Local #28. He also advise the members of a meeting with the New Pro Carlough with a Committee of Local 28 which consisted of Bros Farrell, Mulhearn, Ruckert, T. Cooke in Washington on Blow Pipe Industry. We went over Local #28 agreement with the new Pres. and received a lot of consideration Bro Carlough stated he does not wants to hurt Local 28. and, suggested we set up a joint Committee with our Employers and meet with him on Tuesday Jan 26 or Wed 27th Several members expressed their opinions of what might happen if a demarkation is not reached Bro. Farrell stated he will bring back a full report for discussion at the next Meeting. As there was no further business the Chair ady the Meeting at 9 45 P.M Resp. Submitted John Mulhearn Rec. Secty

EXHIBIT 51

Minutes, June 3, 1965 (#2424), Page 63

2424 A Regular & Special Meeting of Local #28 S/m Wks. Int was held Thursday June 3, 1965 at Webster Hall 119 E 11th St. Meeting was called to Order by President Mell Farrell at 5.20 PM. Order of Business. The death of Wm Klobus Jr #32516 was read. Minutes of 2,423 Meeting was read and upon motion duly Second was adopted as read. The Ex Board sub-mitted its report of Meeting held Thursday May 27, 1965 at the Locals Office 350, Bway. Meeting was called to Order by V.P. Wm Cooke with all Offices and Members of Board present. Order of Business. George Brown #95939 Jack Brody # 40,810 and Lester Miller #114,758 requested reduction in dues to 5.50 per month. Board granted this request. Bro Farrell advised the Board of Meeting held at the Commondore Hotel with all Building Const. Trade Employers, Contractors and a representative of Goverment who explained the new Law on discrimination effective July 1st, 1965, also on a court action where Johnson Service is seeking an injunction against Local #28. He also Reported on complaint that Bro Widman made to the District Attorney against Local 28, and that we will have to appear before Asst. D.A. Hoffman with our Certified public Accountants as there was no further Business the Chair adjourned the Meeting at 6.45 PM. respectfully Sub-mitted John Mulhearn Rec Secty

EXHIBIT 51

Minutes, July 1, 1966 (#2426), Pages 66-67

All charges were turned over to the Ex Board for action.
Reports of Business Agents. Costillo, Mobley & Weigel were
upon motion duly Second adopted as read.
There was quite a discussion on Out of town Contractors
coming in with 2 men and doing inferior Work. it was
suggested that all Bus. Agents, see that they perform
and direct their work in the proper manner.
Bro Farrell advised the Minders of the new Law that
will be implemented on July 2nd where the Employer
will be the sole Judge whether a man is qualified or
not. We expect to have some trying Times in the
Bldg. Trades Industry and know we can get your
support when it is needed. He also reported on the
N.L.R.B. Case of Johnson service and a Meeting we
had with Judge Markowitz in regards to a new apprentice
Class. So you see we are faced with many Obstacles
and Local #28 with your support will fight to
protect the work opportunities of our members.
As there was no further Business the Chair adj.
the Meeting at 6:30 PM. Resp Sub-mitted J. Faulkner R.S.

EXHIBIT 51

Minutes, July 20, 1967 (#2477), Page 133

2477 A Regular Meeting of Local 28 S/M W Kers was held Thursday July 20, 1967 at Wilcox Hall 119 E 11 St. Meeting was called to Order by Bro Neil Farrell at 8:30 PM Order of Bus - Roll call of Officers. The Deaths of the following Members were read Emil Fulop # 124,077 and Edward Walker # 194,711 Minutes of 2476 Meeting was read and upon motion duly Be. was adopted as read The Ex Board Submitted its report of Meeting held Wednesday July 12 at the Locals Office 350 Bway. Meeting was called to Order by V.S. Wm Cooke at 5:30 PM with all Officers and Members of Board present Order of Business Arthur Spielman # 114,070 on pension requested reduction in dues to (10) per month. His request was granted. Jos Spada # 343,701 requested dues be paid by Sick Dues & Relief Fund. His request was granted A Request from Local # 38 for an adv. in their Journal: Board granted their request. A Request from Bkln Board of Bus Agents for a table at their Annual Dinner Dance. Board granted their request John O Connor former Local 28 Member requested reinstation into Local 28 Board accepted him providing he makes a down payment of $300.00 plus 5.00 per day while Working Payments to be made every Friday at this Office. Ed Brennan presented his With-drawal Card and was accepted according to law. Bro Farrell Judge Hayes decision on the Johnson Service Case, reversing N.L.R.B Board in favor of Local # 28 Bro Farrell read a letter from Gen. Pres. Carlough in reference to strike at Barber-Colman plant. requesting help from all Local Unions. The Ex Board recommended that Local # 28 donate the sum of $5000.00 for such a worthy Cause The Ex Board also Recommends that the Office of Local 28, at their discretion in Order to meet the Man power of Our Employers recall persons who on a doctors certification are able to work in the Industry and Local # 28 will waive the disqualification Provision Penalty on Page 19 Sec. 11 (Quote) however in the event of an emergency in the Industry. The Board of Trustees may suspend the 6 Months disqualification provision (unquote)

033

EXHIBIT 51

Minutes, August 3, 1967 (#2478), Page 135

Bro Farrell reported that Arrow Louver & Damper Co. are making the attenuation Bdes for the Fordham University Job. He also reported the D & R B. is seeking a Injunction On Johnson Service Case against Judge Hayes decission. On a Meeting of J. A. Bd. regarding Man Power. We took a very firm position against our Employers if the had manned their Jobs the way they should have they would not have this trouble. They requested that we go to other trades for help as Conditions will be getting worse. Bro Farrell told them when our men get back from their vacations they will have sufficient, to take care of their needs. 2nd. Pasquenza Jr said we should not worry about Our Employers. Let our men work over time. and call all but men back from other Locals and advised them of Benefits they are loosing. Bro Farrell Contacted all Locals where our men were working and ordered them all back 3 to 4 Weeks ago. Bro Edward enquired when Copies of our new agreement will be mailed and how many members were fined for not voting on april 31 Election. Bro Farrell advised him that the Agreements will be mailed out the coming week and have Bro Ruckert report on the Lines at the next Meeting. Bro Meyer Shankman enquired about the Booklet on the Welfare & Pension. as there was no further Business the Chair adj the Meeting at 6.30 PM Respectfully submitted J. Sullivan R.S.

EXHIBIT 51

Minutes, September 7, 1967 (#2480), Pages 138-139

Sept 12 th for Apprentice. Bro Schluter urged the

139

members to go out and bring our boys in so they
can be trained for the Test.
Bro Farrell gave a full report on Triangle Fit and as
of Sept 1st, The Accuside plant is closed all local 28
men are now working in the New Hyde Park Plant.
As there was no further Business the Chair adj the
at 8:00 P.M. Resp. Sub Mitted J Mulhearn Rec. Secty

1035

EXHIBIT 51

Minutes, September 21, 1967 (#2480), Pages 139-140

Request from Local 40 - Iron Wks for tickets for their Annual Outing - Board granted their request. Bro. Mulhern requested the Ex. Board to extend to him the privilege of hiring 2 Teachers to conduct and prepare a class of Our Boys for the Apprentice Test and that Local 28 stand the expense that may occur and if at any time we need another Instructor or Two that he will have the power to Employ them. Request was granted. Fifteen Members of Local 28 appeared before the Board for appeal of their fine for not voting, 14 were excused one was not excused - John Kenny #207,326 Gerald Ross #238,024? James Healy #403,50? Appeared before the Board requesting information on who will cut holes on Job they are working on. Board advised them that Bro. Farrell & Bro. A. Pasquenza will visit the Job and advise them on same. Daniel Skerrow from Scotland appeared before the Board requesting to transfer in to Local #28. Board ruled we are not taking in new Members at the present time. A resolution was presented to the Board requesting Local 28 to Institute a Scholarship fund for Sons & Daughters, Grand sons & Grand daughters of Member in good standing and the fund to be known as the Dismond Costello College Scholarship Memorial Fund that an annual Scholarship in the amount of $500.00 to be awarded to a qualified Recipient, and that it be govern & managed by three Members to be appointed by Pres Mull & Farrell. Board recommended that the first Meeting in November be a regular and special Meeting for Consideration on the resolution and if adopted find way & means to finance the Scholarship Fund. As there was no further Business the Chair adj the Meeting at 9.00 P.M. Resp. Sub Mitted J. Mulhern Rec. Secty Upon Motion duly Sec the Reports was adopted as read.

EXHIBIT 51

Minutes, July 18, 1968 (#2500), Pages 174-76

Bro Mell Farrell gave a complete report to the Executive Board on the current manpower problem. And after a complete review and discussion by our Executive board. The following reccomendations presented by Bro Farrell were approved. 1) to graduate the 8TH teron apprentice calass out of ute time Consisting of 8 boys and to

175

replace these 8 boys with 8 new 1st teron apprentices. 2) To place on permit members of other building Trades Local Unions only as necessary and on a temporary basic. Both reccomendations were approved by the Executive Board.

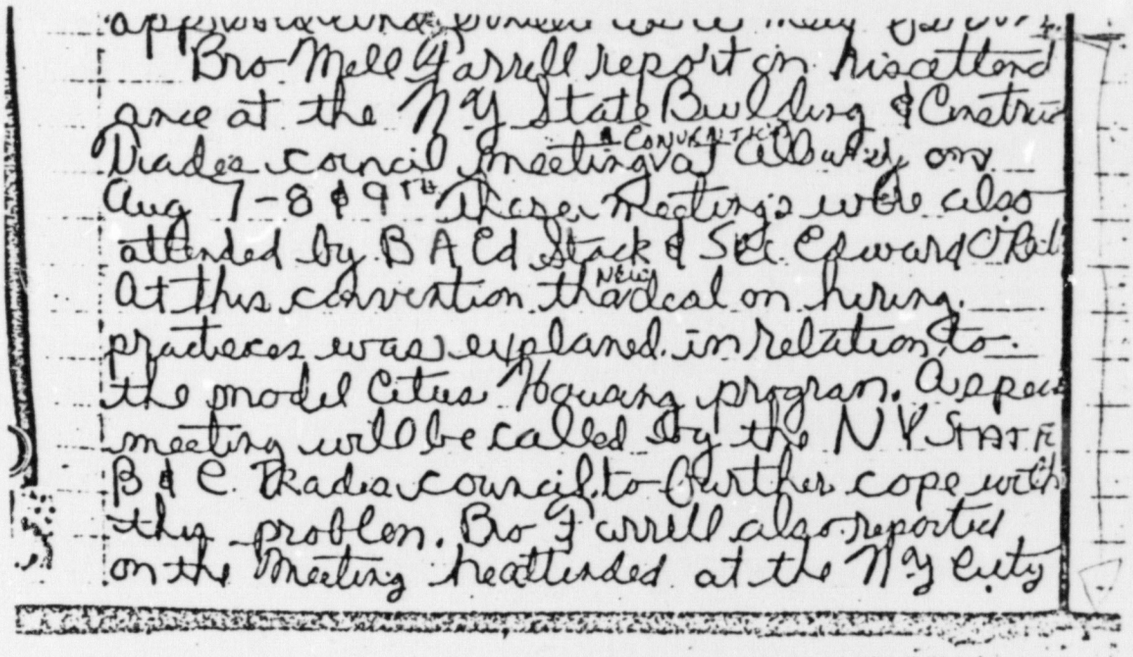
Bro Farrell gave his report on the loss of time on the General Motor Job this is being strattled out, he also reported he visited a Hospital Job on S.S. on the complaint of S.S. being layed off this matter was strattled out. Telegrams from our employers and our employer associations were read they were in rebrence

176

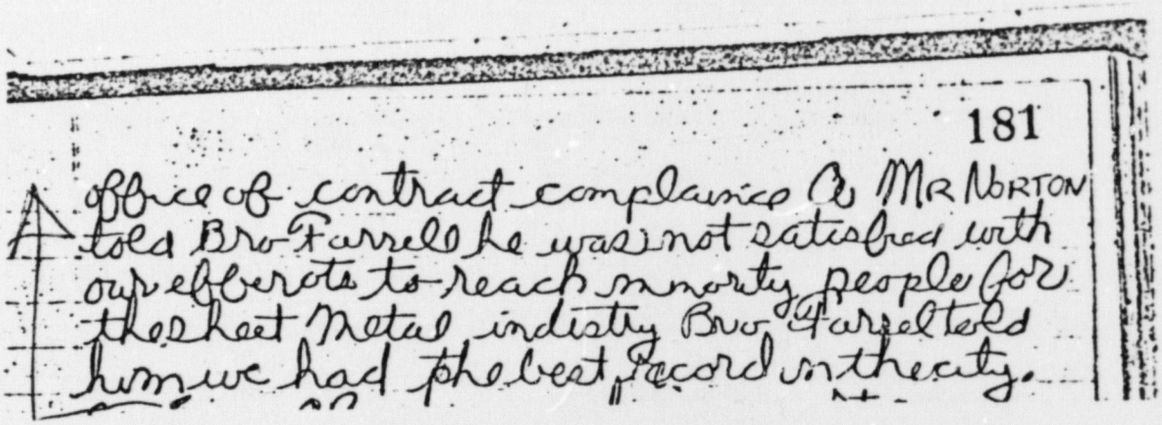
to the manpower shortage on Jobs and in the shops a discussion followed on this matters and it was reported that local 28TH was doing a lot to relieve these situations. Bro Elrick and Bro Fiore that Red Bob Thomas & O'Rally for the assistance in Breaking them in on the new Jobs As there was no further business the chair adj. the meeting at 10:45 P.M. Respectfully submitted Edward P O'Reilly - Recording Secretary.

EXHIBIT 51

Minutes, August 15, 1968 (#2502), Pages 180-181



Bro Mell Farrell report on his attend
ance at the N.Y. State Building & Constru
Trades council meeting at Albany on
Aug 7-8 & 9th. These Meetings were also
attended by B A Ed Stack & Sec. Edward Bell
At this convention the radical on hiring
practices was explained in relation to
the model Cities Squares program. Appeal
meeting will be called by the N.Y. STATE
B & C Trades council to further cope with
the problem. Bro Farrell also reported
on the Meeting headlined at the N.Y. City



181

Office of contract compliance & MR NORTON
told Bro Farrell he was not satisfied with
our efforts to reach minority people for
the Sheet Metal industry Bro Farrell told
him we had the best record in the city.

EXHIBIT 51

Minutes, September 5, 1968 (#2503), Pages 183-184

Bro Farrell also reported on the visit to Mr Nortons office of City compliance, & the request of our employers to have a joint adjustment board meeting on thurs Aug 22nd to discuss the assigning of minority group persons as sheet metal workers. As there was no further business the chairman adjourned the meeting at the 9:45 P.M. Respectfully submitted. Edward O'Reilly Rec Sec.

A Communication from I.A. President Ed Carlough regarding the appeal of the charges and penalties lodged against BRO LOU KAPLAN

Vice President Dave Rago gave a report on the joint adjustment board meeting he attended in relation to the new Executive order 71 from N.Y.C. in regards to minority hiring on jobs. As there was no

EXHIBIT 51

Minutes, October 3, 1968 (#2505), Page 189

required.

The post card communication regarding the special order of business was Read. Bro. Farrel gave his report on the meeting with our impartial arbitrator Ted Kheel. He also Read a number of communications dealing with the manpower problem. A ~~Decision~~ report on the Mayors Ex Order 7th which has barred our contractors from City construction work was also Read. An article from the New York Times dated Oct 3rd was also Read. A long and lenthy discussion followed by our members and after every member who wanted to speak had an opportunity to speak Bro Farrel made a summary. On a motion duly made and seconded that the recommendation to examine and accept into membership 100 additional new members be adopted a vote was taken and carried by the majority. As there was no further business the chair adjourned the meeting at 8 PM. Respectfully submitted Edward O'Reilly Recording Sec.

1040

EXHIBIT 51

Minutes, November 21, 1968 (#2508), Page 198

198

register is with the Warden at the door for signing in. A report by the Chairman of the Examining Board Bro. Robert Schluter was made. The board received 468 applications for membership in Local 28. A written test was given at the Hilton Hotel on Nov 2nd 1968. Of the 330 who took the written test 44 received passing grades. The 44 were given a practical test at Brook Sheet Metal Shop on Nov 16th 1968 of the 42 who took the practical test 25 received a passing grade. Bro Farrell prayed the chairman Bro Bob Schluter and the other members of

EXHIBIT 51

Minutes, December 2, 1968 (#2509), Page 201

President Farrell made his report on the agreement with Armstrong Cork for the fabrication of troffers. And stated that vigalant action by our draftsman helped bring about this settlement. He also informed the members about the Subpenas from the Human Rights Commission regarding the Journeyman & Apprentice tests. A report was also made of a meeting held on the model Cities program as to its implementation in the future. Bro Farrell also advised the members that the new 7th & 8th term boys would be advanced out of there time to fill the requirement of the Arbitrator for 100. additional Journeymen, Bro Farrell also stated that this was an unusual measure and in no way shortens our requirement of a (4) Apprenticeship.

EXHIBIT 51

Minutes, September 18, 1969 (#2530), Page 261

Under Communications
A letter sent by Local U. 28* to the L. J. press rebutting the article they published stating we had no Negro journeyman and very few in our apprenticeship was read to the members. [illegible]

J. McNeil reports on the Building Trades meeting about our policy for union address ion was thru the apprentice program or the tests written and practical that are being Run ion Nov. 1 attend

EXHIBIT 51

Minutes, October 16, 1969 (#2532), Page 268

268

losures. Had opened in Brooklyn and needed men to man its shops. Mell stated he would do all he could to man this shops. Mell also reported about plenums in the New Expo D.C. that they would be designed to show sheet metal. Mell reported on the need for additional manpower in our industry and states that the Local will adequately man its jurisdiction. As there was no other business the Chairman adjourned the meeting at 7:30 P.M.

respectfully submitted Ed. J. Kelly

EXHIBIT 51

Minutes, June 19, 1969 (#2573), Page 240

240 THURSDAY JUNE 19TH 1969—

is posted. And all necessary papers are drawn up. Business Agent Dan Glick requested the E.B. to approve variances for Pickling on an Non union Job on E 16ST the E.B. Granted the B As request.

EXHIBIT 51

Minutes, March 21, 1974 (#), Page 267

Copy of Minutes illegible

EXHIBIT 51

Minutes, January 17, 1974 (#), Page 258

Copy of Minutes illegible

same conditions set forth in SECTION 1 of this Article.

SECTION 4. The provision of this Article shall be deemed be of no force and effect in any state, to the extent to which making or enforcement of such provision is contrary to . In any state where the making and enforcement of such vision is lawful only after compliance with certain condi- ns precedent, this Article shall be deemed to take effect as involved employees immediately upon compliance with h conditions.

ARTICLE V

SECTION 1. The regular working day shall consist of en (7) hours labor in the shop or on the job between eight A.M. and four (4) P.M. and the regular working week shall sist of five (5) consecutive seven (7) hour days labor in the p or on the job, beginning with Monday and ending with day of each week. All full time or part time labor formed during the hours specified herein shall be recog- ed as regular time and paid for at the regular hourly rates cified in this Agreement.

SECTION 2. For all work permitted or required outside the regular working hours specified in SECTION 1 of this icle or on holidays specified in SECTION 3 of this Article ble time shall be paid.

SECTION 3. All Saturdays and Sundays shall be recog- ed as holidays, in addition to the following legal holidays ognized and observed within the territory covered by this eement: New Year's Day, Lincoln's Birthday, Washington's thday, Decoration Day, July 4th, Labor Day, Columbus y, Election Day, Veterans Day, Thanksgiving Day, and istmas Day.

SECTION 4. In the first two (2) years and seven (7) nths of the Agreement, overtime permits are to be granted ly by the Union on telephone requests without any riction or limitation whatever.

SECTION 5. During the last three (3) months of the term of the within Agreement, from April 1, 1975 through June 30, 1975, no overtime work shall be performed except in proven emergency situations.

ARTICLE VI

SECTION 1. When employed in a shop or on a job within the limits of New York City, N.Y., employees shall be governed by the regular working hours specified herein and shall provide for themselves necessary transportation within the said limits from home to shop or job at starting time and from shop or job to home at quitting time and the Employer shall provide, or pay, for all necessary additional transportation during working hours.

SECTION 2. When employed outside of the limits specified in SECTION 1 of this Article, employees shall provide transportation for themselves which will assure their arrival at the limits specified in SECTION 1 of this Article at regular starting time, and the Employer shall provide or pay for all additional transportation to such jobs, including transportation or cost of such transportation from such job back to the limits specified in SECTION 1 of this Article, which will assure arrival at such limits at quitting time. The parties recognize that the limits specified in SECTION 1 of this Article coincide with the jurisdiction of the Union.

SECTION 3. Employers shall pay all employees who travel out of the jurisdiction of the Union, an allowance in accordance with the following schedule:

1 – 10 miles	$ 3.00 per day
11 – 20 miles	5.00 per day
21 – 30 miles	7.00 per day
31 – 40 miles	10.00 per day
41 – 50 miles	12.00 per day

The zone shall begin at the city line. The zone allowance shall be the total payment and shall assure arrival at the job at

Ex. 55 STANDARD FORM OF UNION AGREEMENT BETWEEN LOCAL 28 and THE CONTRACTORS' ASSOCIATION EFFECTIVE AUGUST 31, 1973 THRU JUNE 30, 1975

00 [redacted] and the employee shall remain at the job until 3:30 M.

SECTION 4. Over fifty (50) miles shall be a board zone d to be paid for at $14.00 per day, seven (7) days a week. e trip to be paid for at start of job and one trip to be paid at completion of the job at 12¢ per mile plus straight time veling wage.

ARTICLE VII

SECTION 1. The minimum rate of wages for journeyman et metal workers covered by this Agreement, when em-yed in a shop or on a job within the jurisdiction of the ion to perform any work specified in ARTICLE 1 of this reement shall be as follows:

PERIOD	INCREASE	BASE RATE
2/31/72 to 12/31/72	$.25	$10.70 per hour
1/1/73 to 6/30/73	.30	11.00 per hour
7/1/73 to 12/31/73	.35	11.35 per hour
1/1/74 to 6/30/74	.35	11.70 per hour
7/1/74 to 12/31/74	.35	12.05 per hour
1/1/75 to 6/30/75	.35	12.40 per hour

TE:

(a). For contributions to Fringe funds refer to pages and 21.

(b). The Union may allocate wage increases of 7/1/73 ough 1/1/75 to either Pension Fund or Welfare Fund.

(c). The Employer and Union shall cooperate in npleting and submitting the necessary documents and terials to the Construction Industry Stabilization Com-tee, jointly requesting approval of the increases in wages in contribution for fringe benefits provided herein. During pendency of such approval, the Employer shall deposit in row in a special account for the benefit of its covered ployees a sum equal to the total of (1) the amount of wage

increases that would otherwise be paid to its said employees as of the effective date of this Agreement including overtime, (2) payment for travel and board and (3) the amount of increases in all contributions for fringe benefits for said employees provided herein, and remit weekly statements to the Union confirming the weekly deposits of such escrow funds for each individual covered employee.

(d). If the payment of (1) any wage increase or part thereof (2) travel and board or (3) any increase in contributions for fringe benefits, provided herein, is determined to be not permitted as of the respective effective dates thereof by the Construction Industry Stabilization Committee, then the Employer shall pay whatever increases are allowed by the Construction Industry Stabilization Committee for said items. If the Construction Industry Stabilization Committee denies any increases for these items without setting forth allowable amounts, then the parties shall resubmit for approval the amount or amounts for such items as proposed by the Union in accordance with the original wage and fringe structure.

SECTION 2. On all work specified in ARTICLE 1 of this Agreement, fabricated and/or assembled by employees within the jurisdiction of the Union or elsewhere for erection and/or installation within the jurisdiction of any other Local Union affiliated with Sheet Metal Workers International Association, whose established wage scale is higher than the hourly wage rates specified in this Agreement, the higher wage scale of the Local Union in whose jurisdiction the work is to be erected and/or installed shall prevail and shall be paid by the Employer.

SECTION 3. Except as provided in SECTIONS 2 and 4 of this Article, the Employer agrees that journeyman sheet metal workers hired outside of the territorial jurisdiction of the Union to perform or supervise work outside of said jurisdiction and within the jurisdiction of another Local Union affiliated with Sheet Metal Workers International Association

ıe supervision and control of an Apprentice Committee omposed of six (6) members, three (3) of whom shall be elected by the Employer, and three (3) by the Union. Said pprentice Committee shall formulate and make operative ıch[illegible]es and regulations as they may deem necessary and hich do not conflict with the specific terms of this greement, to govern eligibility, registration, education, trans-er, wages, hours, working conditions of duly qualified pprentices and the operation of an adequate apprentice ystem to meet the needs and requirements of the trade. Said ıles and regulations when formulated and adopted by the arties hereto shall be recognized as a part of this Agreement.

SECTION 2. The Apprentice Committee designated erein shall serve for the life of this Agreement, except that ıcancies in said Apprentice Committee caused by resignation otherwise may be filled by either party hereto, and it is ereby mutually agreed by both parties hereto, that they will dividually and collectively cooperate to the extent that duly ıalified and registered apprentices be given every opportunity secure proper technical and practical education experience the trade, under the supervision of the Joint Apprentice ommittee.

SECTION 3. (a). Classes shall be instituted every six (6) onths, viz. on January 1st and on July 1st of each contract ar. Each class shall consist of the number who graduated us those who leave active participation from the program ıring the previous six (6) months. This will stabilize the ogram at the number in the program immediately prior to e June, 1972 Graduation. All appointments shall be made ırsuant to and in accordance with the Agreement and eclaration of Trust and the Rules and Regulations adopted ereunder by the Trustees.

(b). Apprentices shall be charged tuition at e rate of $100 per semester. Any deficit in the costs of erating the apprenticeship school shall be provided for out a fund to be established by the Employer.

(c). There shall be a moratorium on apprentices during the period of the six (6) hour day. Apprentices shall be appointed, but work assignment shall be deferred until return to the seven (7) hour day and shall then be made by the Joint Apprenticeship Committee in accordance with the required needs of the program.

(d). Apprentice ratio on layoff shall continue in accordance with past practices as determined by the Joint Apprenticeship Committee.

SECTION 4. Each registered apprentice shall serve an apprenticeship of four (4) years. Such apprentices shall not be put in charge of work on any job, and shall work under the supervision of a journeyman, until their apprenticeship term has been completed and they have qualified as journeymen.

SECTION 5. A graduated wage scale for apprentices shall be established and maintained on the following percentage basis of the established wage rate of journeyman sheet metal workers:

First Year	First Half 40%	Second Half 45%
Second Year	First Half 50%	Second Half 55%
Third Year	First Half 60%	Second Half 65%
Fourth Year	First Half 70%	Second Half 80%

ARTICLE X

SECTION 1. Grievances of the Employer or the Union, arising out of interpretation or enforcement of this Agreement, shall be settled between the Employer directly involved and the duly authorized representative of the Union, if possible. An employer may have the local Association present to act as his representative.

SECTION 2. Grievances not settled as provided in Section 1 of this Article may be appealed by either party to the Local Joint Adjustment Board in the area in which the work is performed and such Board shall meet promptly on a date mutually agreeable to the members of the Board, but in no

Ex. 56 STANDARD FORM OF UNION AGREEMENT
August 4, 1969 thru June 30, 1972

quality and merits of the work done by the industry, to make public the terms and conditions of this Agreement in order to avoid grievances and jurisdictional disputes and provide expanded opportunities for employment of journemen sheet metal workers.

The Industry Promotional Fund shall be administered by Trustees appointed solely by the Employer.

Section 2. The Trustees of the Industry Promotional Fund shall pay the Sheet Metal and Air Conditioning Contractors' National Industry Fund of the United States four-tenths cents ($0.004) per hour for each hour worked on or after the effective date of this Agreement by all employees of the employer covered by this Agreement. Effective July 1, 1970, said payment shall be seven-tenths ($0.007) per hour for each hour worked and effective July 1, 1971, said payment shall be one-cent ($0.01) per hour for each hour worked. Said payments shall be made from the 5¢ contribution to the Industry Promotional Fund and shall be remitted to the Industry Promotional Fund for the purposes of collection and transmittal to the Sheet Metal and Air Conditioning Contractors' National Industry Fund of the United States.

ARTICLE XVI

Commencing as of the date of this Agreement, the Employer shall contribute one cent per hour for every hour worked by the employees to the NEW YORK BUILDING AND CONSTRUCTION INDUSTRY BOARD OF URBAN AFFAIRS. Each Employer shall be bound by all the terms and conditions of the Agreement and Declaration of Trust by and between the Building and Construction Trades Council of Greater New York, the Building Trades Employers' Association of the City of New York, and the General Contractors

Association of New York, Inc., creating the NEW YORK BUILDING AND CONSTRUCTION INDUSTRY BOARD OF URBAN AFFAIRS FUND, and by all By-Laws adopted to regulate said Fund. The Trustees of said Fund shall secure the approval of the Treasury Department under the applicable provision of the Internal Revenue Code and shall amend the same if necessary to secure such approval, so as to qualify the Employer contributions as deductions for federal income tax purposes. All Employer contributions to the said Fund shall be remitted monthly to the office of the said Fund, which shall provide appropriate reporting forms.

ARTICLE XVII

This Agreement and attachments hereto shall become effective on the 4th day of August, 1969, and remain in full force and effect until the 30th day of June, 1972, and shall continue in force from year to year thereafter unless written notice of reopening is given not less than ninety (90) days prior to the expiration date. In the event such notice of reopening is served, this Agreement shall continue in force and effect until conferences relating thereto have been terminated by either party.

Ex. 57 STANDARD FORM July 1, 1965 thru June 30, 1969

1053

Section 2. When employed outside of the limits specified in Section 1 of this Article, employees shall provide transportation for themselves which will assure their arrival at the limits specified in Section 1 of this Article at regular starting time, and the Employer shall provide or pay for all additional transportation to such jobs, including transportation or cost of such transportation from such job back to the limits specified in Section 1 of this Article, which will assure arrival at such limits at quitting time. The parties recognize that the limits specified in Section 1 of this Article coincide with the jurisdiction of the Union.

Section 3. Employers shall pay all employees whom they send to work in Long Island, Westchester and New Jersey travel zones $3.00 per day per man, in addition to the rates established for such zones by the Local Union having jurisdiction over the territory, based on the covered employees working the regular hours per day on such jobs.

Section 4. Employers shall pay covered employees board of $7.00 per day seven (7) days per week when they send them to work on jobs located in board zones.

ARTICLE VII

Section 1. The minimum rate of wages for journeymen sheet metal workers covered by this Agreement, when employed in the classification of work on a job within the jurisdiction of the Union to perform work as specified in Article I of this Agreement, shall be $5.10 per hour from July 1, 1966 to December 31, 1966, inclusive; shall be increased 10¢ per hour to $5.50 an hour from January 1, 1967 to June 30, 1967, inclusive; shall be further increased 15¢ per hour to $5.65 per hour from July 1, 1967 to December 31, 1967, inclusive; shall be further increased 15¢ per hour to $5.80 per hour from

January 1, 1968 to June 30, 1968, inclusive; and shall be further increased 20¢ per hour to $6.00 per hour from July 1, 1968 to December 31, 1968 inclusive; and shall be further increased 25¢ per hour to $6.25 per hour from January 1, 1969 to June 30, 1969 inclusive.

Section 1(a). The Union may at its option, by resolution adopted at a special meeting called for that purpose, after due notice of such meeting, and not less than sixty (60) days before the effective date of any of the increases provided for in Section 1 of this Article, require that all or any part of the increases provided for in this Agreement be paid as fringe benefits, and in such event the amount of the increases and hourly rates provided for shall be adjusted accordingly, excepting that: Whatever allocations are made to the Vacation Plan, the covered employees shall continue to receive annually on July 1st of each year, vacation benefits derived from 2% of their gross payroll plus 10¢ per hour, as heretofore, and the additional credit to the covered employees deriving from additional contributions to the Vacation Plan shall be disbursable on December 1st of each year.

Section 1(b). If any allocations are made to an individually vested Annuity Fund, or other type of Fund, which will provide supplemental disability or unemployment benefits, the following shall apply: Any such Fund shall be jointly administered by the Employer and the Union. Any unemployment resulting from any industrial controversy shall not be deemed compensable; neither shall any supplemental unemployment benefits be payable in any year of Agreement negotiations during the period commencing April 1st prior to the termination of the expiring Agreement and until execution of a new Agreement.

Supplemental disability benefit payments shall be made only to covered employees receiving Workmen's Compensation in-

Ex. 50 Crime Statistics

1054

Table 34.—*Total Arrests by Race, 1973*

[5,914 agencies; 1973 estimated population 144,056,000]

Offense charged	Total arrests							Percent distribution[1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	**6,248,286**	**4,458,567**	**1,636,237**	**110,433**	**3,049**	**2,134**	**37,866**	**100.0**	**71.4**	**26.2**	**1.8**	(2)	(2)	**0.6**
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	12,913	5,236	7,478	118	18	3	60	100.0	40.5	57.9	.9	.1	.....	.5
(b) Manslaughter by negligence	2,852	2,095	658	21	.....	2	76	100.0	73.5	23.1	.7	.....	.1	2.7
Forcible rape	17,178	8,832	8,022	189	5	2	128	100.0	51.4	46.7	1.1	.....	.....	.7
Robbery	83,953	29,688	53,206	607	57	21	374	100.0	35.4	63.4	.7	.1	.....	.4
Aggravated assault	137,427	74,785	60,294	1,298	109	24	917	100.0	54.4	43.9	.9	.1	.....	.7
Burglary—breaking or entering	297,286	203,086	90,221	2,264	118	82	1,515	100.0	68.3	30.3	.8	.....	.....	.5
Larceny—theft	625,719	425,920	190,495	4,912	701	398	3,293	100.0	68.1	30.4	.8	.1	.1	.5
Auto theft	106,829	70,114	34,594	1,381	53	33	741	100.0	65.6	32.3	1.3	.....	.....	.7
Violent crime[3]	251,471	118,541	129,000	2,212	189	50	1,479	100.0	47.1	51.3	.9	.1	.....	.6
Property crime[4]	1,029,834	699,120	315,220	8,557	872	513	5,552	100.0	67.9	30.6	.8	.1	.....	.5
Subtotal for above offenses	1,281,157	819,756	444,878	10,790	1,061	565	7,107	100.0	63.8	34.6	.8	.1	.....	.6
Other assaults	260,748	162,863	93,846	2,621	103	59	1,256	100.0	62.5	36.0	1.0	.....	.....	.5
Arson	10,423	7,961	2,366	48	4	5	39	100.0	76.4	22.7	.5	.....	.....	.4
Forgery and counterfeiting	39,053	25,998	12,637	252	17	13	136	100.0	66.6	32.4	.6	.....	.....	.3
Fraud	82,499	59,267	22,605	400	32	7	188	100.0	71.8	27.4	.5	.....	.....	.2
Embezzlement	5,087	3,916	1,106	18	4	3	10	100.0	77.6	21.7	.4	.1	.1	.2
Stolen property; buying, receiving, possessing	61,393	40,331	20,376	286	29	18	353	100.0	62.6	36.3	.4	.....	.....	.5
Vandalism	116,165	95,492	19,208	857	38	25	545	100.0	82.2	16.5	.7	.....	.....	.5
Weapons; carrying, possessing, etc	106,135	52,914	51,867	612	55	29	658	100.0	49.9	48.9	.6	.1	.....	.6
Prostitution and commercialized vice	41,928	16,894	24,651	149	33	24	177	100.0	40.3	58.8	.4	.1	.1	.4
Sex offenses (except forcible rape and prostitution)	45,951	34,963	10,367	310	59	20	232	100.0	76.1	22.6	.7	.1	.....	.5
Narcotic drug laws	463,443	373,861	85,826	1,610	211	266	1,669	100.0	80.7	18.5	.3	.....	.1	.4
Gambling	52,880	15,516	36,856	39	112	65	292	100.0	29.3	69.7	.1	.2	.1	.6
Offenses against family and children	42,045	29,956	11,625	271	6	11	176	100.0	71.2	27.6	.6	.....	.....	.4
Driving under the influence	641,038	521,495	101,212	8,444	220	367	9,300	100.0	81.4	15.8	1.3	.....	.1	1.5
Liquor laws	181,405	156,232	19,977	4,114	42	45	995	100.0	86.1	11.0	2.3	.....	.....	.5
Drunkenness	1,178,605	866,739	245,737	59,934	431	159	5,605	100.0	73.5	20.8	5.1	.....	.....	.5
Disorderly conduct	432,418	280,413	124,684	6,397	121	54	1,749	100.0	69.2	28.8	1.5	.....	.....	.4
Vagrancy	35,554	23,098	11,210	907	96	11	332	100.0	64.8	31.4	2.5	.3	.....	.9
All other offenses (except traffic)	829,056	588,548	225,415	8,888	272	227	5,706	100.0	71.0	27.2	1.1	.....	.....	.7
Suspicion	40,212	26,177	13,626	286	4	12	137	100.0	65.0	33.9	.7	.....	.....	.3
Curfew and loitering law violations	117,640	80,794	35,239	1,118	34	47	408	100.0	68.7	30.0	1.0	.....	.....	.3
Runaways	177,321	156,350	17,923	2,082	62	92	812	100.0	88.2	10.1	1.2	.....	.1	.5

See footnotes at end of table.

Table 34.—*Total Arrests by Race, 1973*—Continued

Offense charged	Arrests under 18							Percent distribution[1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	**1,665,792**	**1,253,189**	**388,566**	**14,692**	**917**	**696**	**7,432**	**100.0**	**75.2**	**23.3**	**0.9**	**0.1**	**(2)**	**0.4**
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	1,247	437	779	15	10	----	6	100.0	35.0	62.5	1.2	.8	----	.5
(b) Manslaughter by negligence	285	226	48	2	----	----	9	100.0	79.3	16.8	.7	----	----	3.2
Forcible rape	3,263	1,425	1,776	31	1	1	29	100.0	43.7	54.4	1.0	----	----	.9
Robbery	27,068	8,221	18,539	159	25	8	116	100.0	30.4	68.5	.6	.1	----	.4
Aggravated assault	23,335	12,263	10,746	147	60	3	116	100.0	52.6	46.1	.6	.3	----	.5
Burglary—breaking or entering	161,860	113,371	46,354	1,208	77	43	811	100.0	70.0	28.6	.7	----	----	.5
Larceny—theft	304,786	214,926	85,929	2,099	295	210	1,327	100.0	70.5	28.2	.7	.1	.1	.4
Auto theft	62,232	42,836	18,132	776	40	26	422	100.0	68.8	29.1	1.2	.1	----	.7
Violent crime[3]	54,913	22,346	31,810	352	96	12	267	100.0	40.7	58.0	.6	.2	----	.5
Property crime[4]	528,878	371,133	150,415	4,079	412	279	2,560	100.0	70.2	28.4	.8	.1	.1	.5
Subtotal for above offenses	584,076	393,705	182,303	4,433	508	291	2,836	100.0	67.4	31.2	.8	.1	----	.5
Other assaults	50,897	30,051	20,207	348	44	21	226	100.0	59.0	39.7	.7	.1	----	.4
Arson	6,231	4,970	1,208	21	3	2	27	100.0	79.8	19.4	.3	----	----	.4
Forgery and counterfeiting	4,461	3,424	984	32	2	1	18	100.0	76.8	22.1	.7	----	----	.4
Fraud	3,083	2,308	755	11	3	1	5	100.0	74.9	24.5	.4	.1	----	.2
Embezzlement	405	325	77	3	----	----	----	100.0	80.2	19.0	.7	----	----	----
Stolen property; buying, receiving, possessing	22,110	14,848	7,334	80	8	8	132	100.0	66.3	32.7	.4	----	----	.6
Vandalism	81,168	68,971	11,453	383	26	27	308	100.0	85.0	14.1	.5	----	----	.4
Weapons; carrying, possessing, etc	16,813	10,338	6,287	75	23	5	115	100.0	61.4	37.3	.4	.1	----	.7
Prostitution and commercialized vice	1,711	684	1,008	13	----	1	5	100.0	40.0	58.9	.8	----	.1	.3
Sex offenses (except forcible rape and prostitution)	9,219	6,191	2,932	43	37	7	39	100.0	66.9	31.7	.5	.4	.1	.4
Narcotic drug laws	123,934	110,402	12,393	598	40	81	420	100.0	89.1	10.0	.5	----	.1	.3
Gambling	1,493	374	1,094	1	----	5	19	100.0	25.1	73.3	.1	----	.3	1.3
Offenses against family and children	997	886	91	13	----	----	7	100.0	88.9	9.1	1.3	----	----	.7
Driving under the influence	8,859	8,220	421	141	1	2	74	100.0	92.8	4.8	1.6	----	----	.8
Liquor laws	73,895	70,089	2,128	1,358	16	18	286	100.0	94.8	2.9	1.8	----	----	.4
Drunkenness	34,252	30,022	2,520	1,573	6	11	120	100.0	87.7	7.4	4.6	----	----	.4
Disorderly conduct	101,760	73,760	26,918	696	24	11	357	100.0	72.5	26.5	.7	----	----	.4
Vagrancy	5,434	3,818	1,409	34	1	----	172	100.0	70.3	25.9	.6	----	----	3.2
All other offenses (except traffic)	226,838	173,049	51,018	1,627	79	61	1,004	100.0	76.3	22.5	.7	----	----	.4
Suspicion	12,835	9,910	2,864	15	----	4	42	100.0	77.2	22.3	.1	----	----	.3
Curfew and loitering law violations	117,610	80,794	35,239	1,118	31	47	408	100.0	68.7	30.0	1.0	----	----	.3
Runaways	177,321	156,350	17,923	3,082	62	92	812	100.0	88.2	10.1	1.2	----	.1	.5

See footnotes at end of table.

553-509 O - 74 - 10

Table 34.—*Total Arrests by Race, 1973—Continued*

Offense charged	Arrests 18 and over							Percent distribution[1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	4,582,491	3,205,078	1,247,671	95,741	2,132	1,438	30,431	100.0	69.9	27.2	2.1	(2)	(2)	0.7
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	11,666	4,799	6,699	103	8	3	54	100.0	41.1	57.4	.9	.1	.....	.5
(b) Manslaughter by negligence	2,567	1,869	610	19	.....	2	67	100.0	72.8	23.8	.7	.....	.1	2.6
Forcible rape	13,915	7,407	6,216	158	4	1	99	100.0	53.2	44.9	1.1	.....	.....	.7
Robbery	56,885	21,467	34,667	448	32	13	258	100.0	37.7	60.9	.8	.1	.....	.5
Aggravated assault	114,092	62,522	49,548	1,151	49	21	801	100.0	54.8	43.4	1.0	.....	.....	.7
Burglary—breaking or entering	135,426	89,715	43,867	1,060	41	39	704	100.0	66.2	32.4	.8	.....	.....	.5
Larceny—theft	320,933	210,994	104,566	2,813	406	188	1,966	100.0	65.7	32.6	.9	.1	.1	.6
Auto theft	44,597	27,278	16,372	605	13	7	322	100.0	61.2	36.7	1.4	.....	.....	.7
Violent crime[3]	196,558	96,195	97,160	1,860	93	38	1,212	100.0	48.9	49.4	.9	.....	.....	.6
Property crime[4]	500,956	327,987	164,805	4,478	460	234	2,992	100.0	65.5	32.9	.9	.1	.....	.6
Subtotal for above offenses	700,081	426,051	262,575	6,357	553	274	4,271	100.0	60.9	37.5	.9	.1	.....	.6
Other assaults	209,851	132,812	73,639	2,273	59	38	1,030	100.0	63.3	35.1	1.1	.....	.....	.5
Arson	4,192	2,991	1,158	27	1	3	12	100.0	71.4	27.6	.6	.....	.....	.3
Forgery and counterfeiting	34,592	22,574	11,653	220	15	12	118	100.0	65.3	33.7	.6	.....	.1	.3
Fraud	79,416	56,959	21,850	389	29	6	183	100.0	71.7	27.5	.5	.....	.....	.2
Embezzlement	4,682	3,621	1,029	15	4	3	10	100.0	77.3	22.0	.3	.1	.....	.2
Stolen property; buying, receiving, possessing	41,983	25,486	16,042	206	21	10	218	100.0	60.7	38.2	.5	.1	.1	.5
Vandalism	34,997	26,521	7,755	474	12	8	227	100.0	75.8	22.2	1.4	.....	.....	.6
Weapons; carrying, possessing, etc	89,292	42,576	45,580	537	32	24	543	100.0	47.7	51.0	.6	.....	.....	.6
Prostitution and commercialized vice	40,217	16,210	23,643	136	33	23	172	100.0	40.3	58.8	.3	.1	.1	.4
Sex offenses (except forcible rape and prostitution)	36,702	28,772	7,435	267	22	13	193	100.0	78.4	20.3	.7	.1	.....	.5
Narcotic drug laws	339,509	263,439	73,433	1,012	171	185	1,249	100.0	77.6	21.6	.3	.1	.1	.4
Gambling	51,387	15,142	35,762	38	112	60	273	100.0	29.5	69.6	.1	.2	.1	.5
Offenses against family and children	41,048	29,070	11,534	258	6	11	169	100.0	70.8	28.1	.6	.....	.....	.4
Driving under the influence	632,179	513,275	100,791	8,303	219	365	9,226	100.0	81.2	15.9	1.3	.....	.1	1.5
Liquor laws	107,510	86,143	17,849	2,756	26	27	709	100.0	80.1	16.6	2.6	.....	.....	.7
Drunkenness	1,111,353	836,717	243,217	58,361	428	148	5,482	100.0	73.1	21.3	5.1	.....	.....	.5
Disorderly conduct	330,658	225,653	97,766	5,707	97	43	1,392	100.0	68.2	29.6	1.7	.....	.....	.4
Vagrancy	30,220	19,280	9,801	873	95	11	160	100.0	63.8	32.4	2.9	.3	.....	.5
All other offenses (except traffic)	602,218	415,499	174,397	7,261	193	166	4,702	100.0	69.0	29.0	1.2	.....	.....	.8
Suspicion	27,407	16,267	10,762	271	4	8	95	100.0	59.4	39.3	1.0	.....	.....	.3
Curfew and loitering law violations	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Runaways	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Because of rounding, the percentages may not add to total.
[2] Less than one-tenth of 1 percent.
[3] Violent crime is offenses of murder, forcible rape, robbery and aggravated assault.
[4] Property crime is offenses of burglary, larceny and auto theft.

Table 40.—*City Arrests by Race, 1973*

[4,488 agencies, 1973 estimated population 104,142,000]

Offense charged	Total arrests							Percent distribution[1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	**5,217,952**	**3,602,782**	**1,489,251**	**94,549**	**2,791**	**1,737**	**26,836**	**100.0**	**69.0**	**28.5**	**1.8**	**0.1**	(2)	**0.5**
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	10,411	3,653	6,630	67	16	3	42	100.0	35.1	63.7	.6	.2	----------	.4
(b) Manslaughter by negligence	1,798	1,287	480	7	----------	2	22	100.0	71.6	26.7	.4	----------	.1	1.2
Forcible rape	13,371	6,056	7,092	133	5	1	84	100.0	45.3	53.0	1.0	----------	----------	.6
Robbery	73,586	24,016	48,655	531	54	18	312	100.0	32.6	66.1	.7	.1	----------	.4
Aggravated assault	107,193	54,068	51,638	913	102	20	752	100.0	50.3	48.0	.8	.1	----------	.7
Burglary—breaking or entering	229,051	145,512	80,621	1,584	102	64	1,168	100.0	63.5	35.2	.7	----------	----------	.5
Larceny—theft	510,460	358,241	173,869	4,355	671	358	2,966	100.0	66.3	32.2	.8	.1	.1	.5
Auto theft	87,965	54,967	31,261	1,004	47	28	658	100.0	62.5	35.5	1.1	.1	----------	.7
Violent crime[3]	204,861	87,793	114,015	1,644	177	42	1,190	100.0	42.9	55.7	.8	.1	----------	.6
Property crime[4]	857,479	558,720	285,754	6,943	820	450	4,792	100.0	65.2	33.3	.8	.1	.1	.6
Subtotal for above offenses	1,061,138	647,800	400,249	8,591	997	494	6,004	100.0	60.9	37.6	.8	.1	----------	.6
Other assaults	220,399	131,055	86,098	2,086	95	51	1,014	100.0	59.5	39.1	.9	----------	----------	.5
Arson	8,223	6,019	2,135	23	3	5	28	100.0	73.2	26.0	.4	----------	.1	.3
Forgery and counterfeiting	29,371	18,316	10,757	167	16	6	109	100.0	62.4	36.6	.6	.1	----------	.4
Fraud	58,407	39,347	18,614	270	27	6	143	100.0	67.4	31.9	.5	----------	----------	.2
Embezzlement	3,582	2,676	885	12	3	3	3	100.0	74.7	24.7	.3	.1	.1	.1
Stolen property; buying, receiving, possessing	52,997	31,168	21,296	207	25	15	286	100.0	58.8	40.2	.4	----------	----------	.5
Vandalism	94,760	75,887	17,700	668	38	27	440	100.0	80.1	18.7	.7	----------	----------	.5
Weapons; carrying, possessing, etc	92,168	43,317	47,770	512	53	15	501	100.0	47.0	51.8	.6	.1	----------	.5
Prostitution and commercialized vice	40,172	15,944	23,852	147	32	22	175	100.0	39.7	59.4	.4	.1	.1	.4
Sex offenses (except forcible rape and prostitution)	38,290	28,315	9,447	264	54	18	192	100.0	73.9	24.7	.7	.1	----------	.5
Narcotic drug laws	358,980	279,191	76,672	1,311	185	212	1,409	100.0	77.8	21.4	.4	.1	.1	.4
Gambling	48,447	12,950	35,075	35	105	39	243	100.0	26.7	72.4	.1	.2	.1	.5
Offenses against family and children	22,855	15,332	7,263	133	4	10	113	100.0	67.1	31.8	.6	----------	----------	.5
Driving under the influence	508,654	409,430	89,042	5,750	189	297	3,946	100.0	80.5	17.5	1.1	----------	.1	.8
Liquor laws	116,897	124,470	18,044	3,558	34	39	752	100.0	81.7	12.3	2.4	----------	----------	.5
Drunkenness	1,071,721	778,907	232,761	54,727	415	151	4,760	100.0	72.7	21.7	5.1	----------	----------	.4
Disorderly conduct	386,200	261,518	117,639	5,358	111	40	1,531	100.0	67.7	30.5	1.4	----------	----------	.4
Vagrancy	33,255	21,049	10,970	829	95	11	301	100.0	63.3	33.0	2.5	.3	----------	.9
All other offenses (except traffic)	657,842	447,720	198,805	7,126	225	146	3,820	100.0	68.1	30.2	1.1	----------	----------	.6
Suspicion	38,138	24,311	13,443	235	4	12	133	100.0	63.7	35.2	.5	----------	----------	.3
Curfew and loitering law violations	108,860	72,678	34,727	1,061	33	43	318	100.0	66.8	31.9	1.0	----------	----------	.3
Runaways	133,596	115,382	16,010	1,466	51	75	612	100.0	86.4	12.0	1.1	----------	.1	.5

See footnotes at end of table.

Table 40.—*City Arrests by Race, 1973*—Continued

Offense charged	Arrests under 18							Percent distribution [1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	1,395,287	1,015,295	360,636	11,697	846	593	6,220	100.0	72.8	25.8	0.8	0.1	(2)	0.4
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	1,066	326	722	5	10	.....	3	100.0	30.6	67.7	.5	.9	.....	.3
(b) Manslaughter by negligence	197	152	43	.....	.....	.....	2	100.0	77.2	21.8	.....	.....	.....	1.0
Forcible rape	2,679	1,011	1,628	21	1	.....	18	100.0	37.7	60.8	.8	.....	.....	.7
Robbery	24,391	6,928	17,172	152	25	8	106	100.0	28.4	70.4	.6	.1	.....	.4
Aggravated assault	19,214	9,487	9,466	102	59	2	98	100.0	49.4	49.3	.5	.3	.....	.5
Burglary—breaking or entering	125,910	82,602	41,871	830	65	35	637	100.0	65.5	33.2	.7	.1	.....	.5
Larceny—theft	267,905	184,568	79,791	1,869	282	191	1,204	100.0	68.9	29.8	.7	.1	.1	.4
Auto theft	52,131	34,377	16,742	576	36	24	376	100.0	65.9	32.1	1.1	.1	.....	.7
Violent crime [3]	47,350	17,752	28,988	280	95	10	225	100.0	37.5	61.2	.6	.2	.....	.5
Property crime [4]	445,976	301,447	138,404	3,273	383	250	2,217	100.0	67.6	31.0	.7	.1	.1	.5
Subtotal for above offenses	493,523	319,351	167,435	3,555	478	260	2,444	100.0	64.7	33.9	.7	.1	.1	.5
Other assaults	43,653	24,540	18,578	269	41	20	205	100.0	56.2	42.6	.6	.1	.....	.5
Arson	5,186	4,038	1,111	14	2	2	19	100.0	77.9	21.4	.3	.....	.....	.4
Forgery and counterfeiting	3,628	2,704	880	27	2	1	14	100.0	74.5	24.3	.7	.1	.....	.4
Fraud	2,643	1,920	707	9	3	1	3	100.0	72.6	26.7	.3	.1	.....	.1
Embezzlement	331	258	71	2	.....	.....	.....	100.0	77.9	21.5	.6	.....	.....	.....
Stolen property; buying, receiving, possessing	19,135	12,115	6,826	67	8	7	112	100.0	63.3	35.7	.4	.....	.....	.6
Vandalism	66,691	55,583	10,521	282	26	21	258	100.0	83.3	15.8	.4	.....	.....	.4
Weapons: carrying, possessing, etc	14,635	8,602	5,847	62	23	2	99	100.0	58.8	40.0	.4	.2	.....	.7
Prostitution and commercialized vice	1,640	644	977	13	.....	1	5	100.0	39.3	59.6	.8	.....	.1	.3
Sex offenses (except forcible rape and prostitution)	7,418	4,694	2,634	34	37	7	32	100.0	63.3	35.2	.5	.5	.1	.4
Narcotic drug laws	98,911	86,748	11,191	512	34	69	357	100.0	87.7	11.3	.5	.....	.1	.4
Gambling	1,408	352	1,056	.....	.....	5	19	100.0	23.3	75.0	.....	.....	.4	1.3
Offenses against family and children	698	610	72	10	.....	.....	6	100.0	87.4	10.3	1.4	.....	.....	.9
Driving under the influence	7,138	6,621	383	92	.....	1	41	100.0	92.8	5.4	1.3	.....	.....	.6
Liquor laws	58,725	55,422	1,956	1,123	11	15	198	100.0	94.4	3.3	1.9	.....	.....	.3
Drunkenness	28,894	25,273	2,254	1,255	3	8	101	100.0	87.5	7.8	4.3	.....	.....	.3
Disorderly conduct	91,231	64,742	25,604	516	23	9	337	100.0	71.0	28.1	.6	.....	.....	.4
Vagrancy	4,874	3,274	1,399	33	1	.....	167	100.0	67.2	28.7	.7	.....	.....	3.4
All other offenses (except traffic)	190,164	140,323	47,613	1,285	70	42	831	100.0	73.8	25.0	.7	.....	.....	.4
Suspicion	12,305	9,445	2,804	10	.....	4	42	100.0	76.8	22.8	.1	.....	.....	.3
Curfew and loitering law violations	108,860	72,675	34,727	1,061	33	43	318	100.0	66.8	31.9	1.0	.....	.....	.3
Runaways	133,596	115,382	16,010	1,466	51	75	612	100.0	86.4	12.0	1.1	.....	.1	.5

See footnotes at end of table.

Table 40.—City Arrests by Race, 1973—Continued

Offense charged	Arrests 18 and over							Percent distribution [1]						
	Total	White	Negro	Indian	Chinese	Japanese	All others	Total	White	Negro	Indian	Chinese	Japanese	All others
TOTAL	**3,822,665**	**2,587,487**	**1,128,618**	**82,852**	**1,948**	**1,114**	**20,646**	**100.0**	**67.7**	**29.5**	**2.2**	**0.1**	(2)	**0.5**
Criminal homicide:														
(a) Murder and nonnegligent manslaughter	9,315	3,327	5,908	62	6	3	39	100.0	35.6	63.2	.7	.1		.4
(b) Manslaughter by negligence	1,601	1,135	437	7		2	20	100.0	70.9	27.3	.4		.1	1.2
Forcible rape	10,692	5,045	5,464	112	4	1	66	100.0	47.2	51.1	1.0			.6
Robbery	49,195	17,088	31,483	379	29	10	206	100.0	34.7	64.0	.8	.1		.4
Aggravated assault	88,279	44,581	42,172	811	43	18	654	100.0	50.5	47.8	.9			.7
Burglary—breaking or entering	103,114	63,010	38,753	754	37	29	531	100.0	61.1	37.6	.7			.5
Larceny—theft	272,555	173,673	94,078	2,486	389	167	1,762	100.0	63.7	31.5	.9	.1	.1	.6
Auto theft	35,831	20,590	14,519	428	11	4	282	100.0	57.5	40.5	1.2			.8
Violent crime [3]	157,511	70,041	85,027	1,361	82	32	968	100.0	44.5	54.0	.9	.1		.6
Property crime [4]	411,503	257,273	147,350	3,668	437	200	2,575	100.0	62.5	35.8	.9	.1		.6
Subtotal for above offenses	570,615	328,449	232,814	5,039	519	234	3,560	100.0	57.6	40.8	.9	.1		.6
Other assaults	176,716	106,515	67,520	1,817	54	31	809	100.0	60.3	38.2	1.0			.5
Arson	3,037	1,981	1,024	19	1	3	9	100.0	65.2	33.7	.6		.1	.3
Forgery and counterfeiting	25,743	15,612	9,877	140	14	5	95	100.0	60.6	38.4	.5	.1		.4
Fraud	55,764	37,427	17,907	261	24	5	140	100.0	67.1	32.1	.5			.3
Embezzlement	3,251	2,418	814	10	3	3	3	100.0	74.4	25.0	.3	.1	.1	.1
Stolen property; buying, receiving, possessing	33,862	19,053	14,470	140	17	8	174	100.0	56.3	42.7	.4	.1		.5
Vandalism	28,069	20,304	7,179	386	12	6	182	100.0	72.3	25.6	1.4			.6
Weapons; carrying, possessing, etc	77,533	34,715	41,923	450	30	13	402	100.0	44.8	54.1	.6			.5
Prostitution and commercialized vice	38,532	15,300	22,875	134	32	21	170	100.0	39.7	59.4	.3	.1	.1	.4
Sex offenses (except forcible rape and prostitution)	30,872	23,621	6,833	230	17	11	160	100.0	76.5	22.1	.7	.1		.5
Narcotic drug laws	260,069	192,443	65,481	599	151	143	1,052	100.0	74.0	25.2	.3	.1	.1	.4
Gambling	47,039	12,622	34,019	35	105	34	224	100.0	26.8	72.3	.1	.2	.1	.5
Offenses against family and children	22,157	14,722	7,191	123	4	10	107	100.0	66.4	32.5	.6			.5
Driving under the influence	501,516	402,809	88,659	5,638	189	296	3,905	100.0	80.3	17.7	1.1		.1	.8
Liquor laws	88,172	60,048	25,088	2,435	23	24	554	100.0	78.3	18.2	2.8			.6
Drunkenness	1,042,827	753,631	230,507	53,472	412	143	4,659	100.0	72.3	22.1	5.1			.4
Disorderly conduct	291,969	196,776	92,035	4,812	88	31	1,197	100.0	66.7	31.2	1.6			.4
Vagrancy	28,381	17,775	9,571	796	94	11	134	100.0	62.6	33.7	2.8	.3		.5
All other offenses (except traffic)	467,678	307,397	151,192	5,841	155	101	2,989	100.0	65.7	32.3	1.2			.6
Suspicion	25,833	14,866	10,639	225	4	8	91	100.0	57.5	41.2	.9			.4
Curfew and loitering law violations														
Runaways														

[1] Because of rounding, the percentages may not add to total.
[2] Less than one-tenth of 1 percent.
[3] Violent crime is offenses of murder, forcible rape, robbery and aggravated assault.
[4] Property crime is offenses of burglary, larceny and auto theft.

Ex. 59

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D-19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and the CITY OF NEW YORK,

Plaintiffs,

- v -

LOCAL 638 . . . LOCAL 28 of the SHEETMETAL WORKERS' INTERNATIONAL ASSOCIATION, LOCAL 28 JOINT APPRENTICESHIP COMMITTEE . . . SHEETMETAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC., etc.,

Defendants.

STIPULATION OF FACTS

71 Civ. 2877 (HFW)

U.S. DISTRICT COURT FILED DEC 16 1974 S.D. OF N.Y.

A. STIPULATION OF FACTS SUBMITTED BY THE PLAINTIFFS AND THE STATE

1. The defendant Sheet Metal Workers' International Association, Local Union No. 28, sued herein as Local 28, Sheet Metal Workers International Association ("Local 28") is an unincorporated association located at 1790 Broadway, New York, New York 10019, and is the recognized bargaining agent for the collective bargaining unit consisting of journeyman and apprentice sheetmetal workers who perform sheet metal work for sheet metal contractors located in the five boroughs of New York.

2. The defendant Sheet Metal and Air Conditioning Contractors National Association, New York City Chapter, Inc., sued herein as Sheetmetal Contractors Association of New York City, Inc. (the "Contractors Association") is an association of building contractors in New York City engaged in sheet-metal construction work and has a collective bargaining agreement with Local 28. Members of the Contractors Association employ approximately 70-80% of the members and apprentice of Local 28.

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3. The defendant Sheet Metal Workers (Local Union #28) Joint Apprenticeship Committee and Trust ("JAC"), sued herein as Sheetmetal Workers Local 28 Joint Apprenticeship Committee, is composed of representatives of Local 28 and the Contractors Association and administers the Local 28 apprentice program in accordance with the Corrected Fifth Draft of Standards for the Admission of Apprentices for the Sheet Metal Industry of New York City, New York, and pursuant to the Agreement and Declaration of Trust and the Rules and Regulations adopted thereunder by the Trustees.

4. Local 28 and the Contractors Association are engaged in an industry affecting commerce.

5. The trade jurisdiction claimed by Local 28 includes the following types of work which are performed both within sheet metal shops and at construction sites:

> The manufacture, fabrication, assembly, erection, installation, dismantling, reconditioning, adjustment, alteration, repairing and servicing of all sheet metal work (including ferrous or non-ferrous sheet metal) of No. 10 U.S. gauge or its equivalent or lighter gauge, or any and all substitute materials used in lieu thereof (any question of jurisdiction of substitute material to be settled in accordance with the Joint Arbitration Plan between the Building Trades Employers' Associations and the Unions of the Building Trades of the City of New York), including all shop and field sketches used in fabrication and erection (including those taken from original architectural and engineering drawings or sketches and all other work included in the jurisdictional claims of Sheet Metal Workers International Association.
>
> Testing and balancing of all air-handling equipment and duct work contracted for after June 30, 1969. All internal linings for casings, plenuman and ducts must be lined prior to erection. Supply casings, Supply airshafts must be Sheet Metal.

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The manufacturing and erection of all sheet metal work in connection with buildings and structures as follows: hollow metal sash, frames, partitions, skylights, cornices, crestings, awnings, circular mouldings, spandrels (except stamping of same), sheet iron sheeting or roofing, package chutes, linen chutes, rubbish chutes, hoods, sheet metal fire proofing, ventilators, heating and ventilating pipes, air washers, conveyors, breeching and smoke pipes for hot water heaters, furnaces and boilers, laundry dryers and all connections to and from same, metal connections to machines in planning mills, saw mills and other factories (whether it be used for ventilating, heating or other purposes), sheet metal connections to and from fans, separators, sheet metal cyclones for shavings or other refuse in connection with various factories, sheet metal work in connection with or fastened to store fronts or windows, sheet metal work in connection with concrete construction and sheet metal columns and casings, covering all drain boards, lining of coil boxes, ice boxes and other sheet metal work in connection with bar furniture and soda fountains.

Spot welding, electric arc welding, oxy-acetylene cutting and welding in connection with sheet metal work of No. 10 gauge or lighter covered by the collective bargaining agreement also; sheet metal work in connection with plain and corrugated fire doors of No. 10 gauge or lighter; also the erection of floor domes, the setting of registers and register faces in connection with sheet metal work, the cutting and bending of metal necessary for application and erection of metal ceilings and side walls (except stamping), the applying of metal to ceiling and side walls and the furring and sheathing of same. The assembling and erection of fans and blowers; also the erection of metal furniture, factory bins, shelving and lockers, corrugated iron on roofs and sidings, all metal shingles and metal slate, and tile, plain or covered with a foreign substance, the manufacture and erection of corrugated wire glass and accessories; the glazing of metal skylights. The installation of unit vents where there is sheet metal work in connection with the supply and discharge of air; the setting of radiator enclosures of sheet metal where it does not support the radiator.

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D-19,05

In the manufacture of drawn metal work; the work of journeyman sheet metal workers shall be the cutting and forming of the metal before the same is applied to the wood, and all clipping and soldering that may be necessary in the finishing of the assembled parts and the covering of wood and composition door drames and sash with sheet metal. Also such other sheet metal work of No. 10 gauge or lighter, not herein specified, that has been decided by the Executive Committee of the Building Trade Employers' Association to be, or is now, in the possession of the Sheet Metal Workers' Union shall be regarded as sheet metal worker's work.

In the Kitchen Equipment Industry it shall be understood that the term "Sheet Metal Work" shall mean all work made of sheet metal No. 10 gauge or lighter including the making, mounting, erecting, cleaning and repairing of all steel and gas ranges, grid irons and oven racks, hoods, tables and stands, warming closets, plate warmers and plate shelves, bands, doors and slides for some, drip pans, urns, and percolators, kettles, revolving covers, meat dishes and covers, steam and carving tables and drainers for same, bain marie boxes and potato mashers and any other items or types of work that may be included in Article I, Section 5 of the Constitution and Ritual of the International Association.

In the temporary operation of fans or blowers in a new building, or in addition to an existing building, for heating and/or ventilation, and/or air conditioning, the temporary operation and/or maintenance of such fans or blowers.

6. The geographic jurisdiction of Local 28 includes the five boroughs of New York.

7. As of October 1, 1974 Local 28 had collective bargaining agreements with approximately 133 sheetmetal contractors located in New York City. Of this number, 43 are members of the Contractors Association, and 90 are non-member firms.

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D-19,06

8. Sheet metal contractors who have signed a collective bargaining agreement with Local 28, have not employed an individual to perform sheetmetal work within the trade jurisdiction of Local 28 unless the individual is a member or apprentice of Local 28, or has an "identification slip" from Local 28.

9. Local 28 was founded on October 15, 1913.

10. Since its inception, Local 28 has been governed by its own Constitution and By-Laws and by Constitution and Ritual of the Sheet Metal Workers' International Association.

11. During the period January 1, 1932 through July 1, 1974, membership in Local 28 has varied as follows:

Date	Total	Pensioners
1932	3200*	
1955	2600*	
1960	3100*	
1963	3500*	
1/1/64	3380	314
7/1/64	3366	334
1/1/65	3412	363
7/1/65	3433	404
1/1/66	3416	431
7/1/66	3412	451
1/1/67	3399	460
7/1/67	3330	455
1/1/68	3329	455
7/1/68	3307	470
1/1/69	3318	484
7/1/69	3350	491
1/1/70	3421	477
7/1/70	3387	489
1/1/71	3376	496
7/1/71	3372	503
1/1/72	3417	516
7/1/72	3479	517
11/1/72	3552	534
1/1/73	3557	558
7/1/73	3625	616
1/1/74	3630	656
7/1/74	3670	695

12. The following is a schedule of the number of Local 28 members who have retired or died during the period indicated:

* Approximation; records for these periods are not available.

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D-19,7

YEARS	RETIRED	PENSIONERS DIED	ACTIVE DIED
70-71	55	41	18
71-72	51	37	31
72-73	126	28	25
73-74	122	44	17

13. A Local 28 pensioner may return to active work status thereby forfeiting all or part of his pension for the period of such employment in accordance with a formula established by the Trust document and the Pension Plan governing the pension fund.

14. Since 1960, there have been four ways in which individuals have been admitted to membership in Local 28. These four methods are:

a. successful completion of the four-year apprentice program administered by JAC;

b. successful performance on a written and practical examination administered by the Examining Board of Local 28;

c. transfer from a sister local union affiliated with the Sheet Metal Workers' International Association ("International Association").*

d. employment with newly organized sheet metal contractor who will certify as to its need of the applicant and the applicant's ability to perform at journeyman standards of workmanship.

The availability of the apprenticeship program as a method of admission is determined by the collective bargaining agreement between Local 28 and the employers. The availability of the other three methods is determined by the Executive Board with the approval of the membership.

* On occasion, the International Association has ordered Local 28 to admit additional members of affiliated sister Local unions.

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15. During the period January 1965 through July 1974, Local 28 admitted 1103 new members to the union as noted below:

(a) 880 (79.78%) were graduates of the Local 28 apprentice program;

(b) 100 (9.07%) were individuals who took and passed a written and practical examination which was administered in 1968 and 1969;

(c) 66 (5.98%) were transfers from affiliated sister local unions;

(d) 31 (2.81%) were individuals employed by a newly organized sheetmetal contractor.

16. A non-white individual has never been a trustee of JAC.

17. Since January 1, 1960, the size of the Local 28 apprentice program has been as follows:

Date	Number Enrolled
1/1/60	361
7/1/60	398
1/1/61	494
7/1/61	425
1/1/62	372
7/1/63	391
1/1/63	406
1/1/64	339
7/1/64	268
3/13/65	270
9/1/65	262
1/1/66	228
7/1/66	148
1/1/67	97
7/1/67	133
1/1/68	196
7/1/68	246
1/1/69	313
7/1/69	446
1/1/70	495
7/1/70	512
1/1/71	539
7/1/71	555
1/1/72	568
7/1/72	482
11/1/72	517
1/1/73	498
7/1/73	399
1/1/74	323
7/1/74	286

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18. The Local 28 apprentice program came into existence sometime in the 1920's.

19. Approximately 80% of the apprentice class which graduated in 1[illegible] were related in some manner to members of Local 28.

20. Prior to 1964, a majority of the individuals enrolled in the Local 28 apprentice program were related in some manner to members of Local 28.

21. Prior to 1964, Local 28 gave some weight to the recommendation of relatives by Local 28 members in the appointment of apprentices.

22. Prior to 1965, no black was enrolled in the Local 28 apprentice program, and during the period January 1, 1960 through at least March 15, 1965, there was only 1 other non-white individual enrolled in the Local 28 apprentice program.

23. Since 1964 the operation and organization of the Local 28 Apprentice Program has been governed by the Standard Form of Union Agreement, ("Collective Bargaining Agreement"), the order and opinion in State Commission on Human Rights v. Farrell, N.Y. Supreme Court, Index No. 40928/64 which includes the Corrected Fifth Draft of Standards for the Admission of Apprentices for Sheetmetal Industry of New York County, New York ("Corrected Fifth Draft") and the Agreement and Declaration of Trust of the JAC and the Rules and Regulations thereunder.

24. JAC has been in existence over twenty years and administers the Local 28 apprentice program. JAC consists of six trustees; three appointed by Local 28 and three appointed by the Contractors Association.

25. JAC presently operates an apprentice school in New York City and appoints teachers who are members of Local 28.

26. The Local 28 apprentice program presently consists of eight terms of six months each (four years). Terms begin in January and July. Apprentices attend ten (10) class sessions per term. Each class session is for one full day and apprentices receive eight hours of pay for each such session*. At other times they are assigned to work for employers who have collective bargaining agreements with Local 28. Apprentices are paid as follows:

1st term	-	40% of wage rate of journeymen sheetmetal workers
2nd term	-	45% "
3rd term	-	50% "
4th term	-	55% "
5th term	-	60% "
6th term	-	65% "
7th term	-	70% "
8th term	-	80% "

27. Generally, upon successful completion of the Local 28 apprentice program and payment in full of the union initiation fee, apprentices are admitted into journeymen status in Local 28. The initiation fee of Local 28 is equal to 100 times the prevailing hourly wage under the Collective Bargaining Agreement. In certain cases, as determined by the Executive Board, persons have been admitted into journeymen status while payment of the full initiation fee has been deferred.

28. On January 2, 1963, the Attorney General of the State of New York instituted a proceeding (C-9287-63) before the State Commission on Human Rights ("State Commission") pursuant to Section 297 of the Executive Law of New York

* Since October 31, 1973, Local 28 has been on a six hour day, and since that date, apprentices have received seven hours of pay for each such class session.

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D-19,12

charging Local 28, JAC, as well as individual members of Local 28 and JAC, with discrimination in the admission of non-whites to the union and the Local 28 apprentice program.

As a result of the institution of this proceeding, the following orders and opinions have been entered and issued by the State Commission and the Courts of the State of New York:

a) Lefkowitz v. Farrell, Opinion of the State Commission dated February 26, 1964

b) Lefkowitz v. Farrell, Order of the State Commission dated March 20, 1964

c) State Commission on Human Rights v. Farrell, 43 Misc. 2d 958, 252 N.Y.S.2d 649 (Sup. Ct., N.Y. Cty. 1964)

d) State Commission on Human Rights v. Farrell, 47 Misc.2d 244, 262 N.Y.S.2d 526, application for reconsideration denied, 47 Misc.2d 799, 263 N.Y.S.2d 250 (Sup. Ct. N.Y. Cty. 1965), aff'd., 24 A.D.2d 128, 264 N.Y.S.2d 489 (1st Dept. 1965)

e) State Commission on Human Rights v. Farrell, 52 Misc. 2d 936, 277 N.Y.S.2d 287 (Sup. Ct. N.Y. Cty.), aff'd, 27 A.D. 2d 327 (1st Dept.), aff'd, on opinion of Appellate Division, 19 N.Y.2d 974, 281 N.Y.S.2d 521, 228 N.E.2d 691 (1967)

29. Subsequent to the proceedings in State Commission on Human Rights v. Farrell, non-white enrollment in the Local 28 apprentice program has been as follows:

	Total Enrolled in App. Program	Black	None-white Other Than Black	% Non-white
3/15/65	270	1	-	.37%
9/1/65	262	11	2	4.96%
1/1/66	228	12	2	6.14%
7/1/66	148	11	2	8.78%
1/1/67	97	11	1	12.37%
7/1/67	133	24	5	21.80%
1/1/68	196	33	6	19.89%

LGC:rms
70-1674
D-19,13

7/1/68	246	40	8	19.51%
1/1/69	313	44	11	17.57%
7/1/69	446	62	24	19.28%
1/1/70	495	66	24	18.18%
7/1/70	512	65	24	17.38%
1/1/71	539	69	26	17.63%
7/1/71	555	67	24	16.39%
1/1/72	568	61	23	14.78%
7/1/72	482	50	20	14.52%
11/1/72	517	52	18	13.53%
1/1/73	498	40	13	10.64%
7/1/73	399	31	8	9.77%
1/1/74	323	28	8	11.15%
7/1/74	286	32	8	13.99%

30. Apprentice classes under the 1972 Collective Bargaining Agreement are to be appointed every six months and are to be equal in number to the number of apprentices graduating plus those who have left the program during the previous six months. The size of the apprentice program is to be stabilized at the number prior to graduation in June, 1972. The Apprentice Program had 568 apprentices in January, 1972.

31. Apprentice classes under the 1969 Collective Bargaining Agreement were to be a minimum of 50 apprentices every six months, with terms beginning in January and July of each year.

32. Apprentice classes under the 1966 Collective Bargaining Agreement were to be a minimum of 35 persons each term with a proviso that the number of apprentices equal 14% of employed journeymen exclusive of draftsmen.

33. An apprentice in the Local 28 apprentice program shall be between the ages of 18 and 25 years at the time of admission, with exceptions up to age 30, for time in military service.

34. Since 1969, apprentices have been required to be high school graduates or to have obtained a high school equivalency certificate. For the years 1965-1966, only two years of high school education were required, and for the years 1967-1968 only three years of high school education were required.

35. An applicant for apprenticeship shall pass a physichal examination.

36. Prior to 1965 apprentices were appointed from an applicants list. High school diploma, veterans status and recommendations of relatives by members of Local 28 were given some weight in the appointment process.

37. Procedures for admission to the apprentice program were ordered changed in 1964 as set forth in the Corrected Fifth Draft contained in the New York Supreme Court decision and order in State Commission on Human Rights v. Farrell, 43 Misc. 2d 958, 252 N.Y.S.2d 649 (Sup. Ct. N.Y. Cty. 1964).

38. Applicants satisfying the age, education and physical requirements are admitted to the apprentice program in accordance with the ranking obtained on an aptitude test. Such requirements are not prerequisites to taking the examination. There is no cut-off score for passing the apprentice entrance examination.

39. The application fee for the apprenticeship test is $10.00

40. Applications utilized to date for the apprentice program have required the applicant to list his police record, if any, and citizenship.

LGC:slc
70-1674
N-143

41. As set forth in the Order of the New York Supreme Court and the Corrected Fifth Draft apprentice applicants are tested in five areas:

a) mental alertness;
b) mechanical reasoning;
c) space relations;
d) mathematical computations and concepts;
e) mathematical analysis and problem solving.

42. In 1965 and 1966 the choice of tests in the aforesaid areas and the administration of the tests was performed by the New York University Testing and Advisement Center.

43. Since 1966 the choice of test in the aforesaid areas and the administration of these tests + ranking has been performed by Stevens Institute of Technology ("Stevens Institute").

44. Since 1966 Stevens Institute has administered a battery of five tests to apprentice applicants. The names of the tests and the dates administered by Stevens Institute are set out in Appendix 1.

45. Stevens Institute grades the five test battery administered to all applicants and assigns an intra-group percentile score to each applicant for each of the five tests. The percentile scores are then cumulated for a total score (a perfect score would be 500). The cumulative score of each applicant is then multiplied by a factor of 1.5 for a converted score. Each applicant is ranked on the basis of his or her converted score with first rank being obtained by the highest score.

46. Following receipt from Stevens Institute of the ranking of the applicants on a battery of tests, JAC requires, as provided in the Corrected Fifth Draft, that applicants be interviewed and given a physical examination. The persons selected to be interviewed and examined are selected in descending order from the top of the ranking based on the

LGC:slc
70-1674
N-143

converted test scores. The number of applicants called for interviews and examinations is usually twice the number of persons expected to be admitted as first term apprentices.

47. The apprentice tests formulated by the Stevens Institute do not measure finger manipulation or dexterity.

48. Interviews of applicants are generally held at JAC offices and are usually conducted by two JAC trustees, one of which represents the union and one of which represents the employers.

49. Physical examinations are conducted by Executive Health Examiners Incorporated located in New York City.

50. Applicants are presently admitted to the Local 28 apprenticeship program on the basis of the highest converted test scores and fulfillment of the age, educational and physical requirements.

51. Since 1965 the JAC has selected classes of the following sizes with the following number of non-white members:

Date of Beginning of First Term	No. of Apprentices	No. of Non-white Apprentices
March 1965	63	2
Sept.-Nov. 1965	33	12
Jan.-March 1966	33	1
July 1967	61	19
January 1968	68	14
July 1968	74	11
January 1969	136	19
July 1969	161	35
January 1970	63	4
July 1970	62	1
January 1971	52	9
July 1971	66	8
January 1972	60	4
October 1972	143	17

LGC:slc
70-1674
N-143

52. Local 28, the Contractors Association and JAC have not at any time kept records of the race or ethnic identification of persons who have applied or sought to apply to the Local 28 apprentice program, of persons whose applications have been rejected prior to the aptitude examination, or of persons who have taken the aptitude examinations and have been rejected or have rejected admission to the apprentice program.

53. Prior to 1973 Local 28, the Contractors Association and JAC kept no records of the race or ethnic identification of persons taking the apprentice aptitude examination.

54. Appendices 2 through 9 annexed hereto are the names of some non-white persons who applied for admission to the Local 28 apprentice program and who took and completed the five test battery administered by Stevens Institute on the date indicated.

55. The names and test scores of all persons who applied to the Local 28 apprentice program and who took and completed the five test battery administered by Stevens Institute are set forth in the annexed appendices:

Appendix 10 - names and scores of applicants at examination of November, 1967

Appendix 11 - names and scores of applicants at examination of April 6, 1968

Appendix 12 - names and scores of applicants at examination of October 26, 1968

Appendix 13 - names and scores of applicants at examination of April, 1969

Appendix 14 - names and scores of applicants at November 15, 1969 examination

Appendix 15 - names and scores of applicants at April 25, 1970 examination

LGC:slc
70-1674
N-143

Appendix 16 - names and scores of applicants at November 7, 1970 examination

Appendix 17 - names and scores of applicants at October 31, 1971 examination

Appendix 18 - names and scores of applicants at March , 1973 examination

56. During the four-year apprenticeship program, each apprentice completes about forty-five metal projects and forty-five drawings and takes approximately ten to fifteen mathematical quizzes. Approximately ten of said quizzes are obtained from the publication Sheet Metal Craftsman, published by Sheet Metal Workers' International Association. The balance of the quizzes is prepared by the Joint Apprenticeship Committee instructors.

57. A passing mark on an apprenticeship project is 1.5 on a 4.0 point scale. A project that comes in below 1.5 is not accepted and the apprentice is instructed to rework the project. The process is repeated until the apprentice gets a passing score.

58. No one fails out of the apprenticeship program because of school performance although he may be left back.

59. The Joint Apprenticeship Committee assigns the apprentices for employment; however, no apprentice can be indentured to a Local 28 employer without first obtaining an "Apprentice Work Card," a sample of which is annexed hereto.

60. For the years 1969 through 1974 the number and percentage of non-white members of Local 28 were as follows:

	Total Membership	Black	Non-white Other Than Black	% Non-white
1/1/69	3318	8	14	.66%
7/1/69	3350	8	14	.66%
1/1/70	3421	20	16	1.05%
7/1/70	3387	20	16	1.06%

LGC:slc
70-1674
N-143

	Total Membership	Black	Non-white Other Than Black	% Non-white
1/1/71	3376	21	16	1.10%
7/1/71	3372	28	19	1.39%
1/1/72	3417	35	20	1.61%
7/1/72	3479	44	23	1.93%
11/1/72	3552	56	29	2.39%
1/1/73	3557	57	31	2.49%
7/1/73	3625	71	38	3.01%
1/1/74	3630	78	38	3.20%
7/1/74	3670	79	38	3.19%

61. During the period January 1965 through July 1974, Local 28 admitted a total of 1103 individuals to membership in the union. Of this total, 111 or 10.06% were non-whites. These figures are broken down as follows:

	Total New Members	Black	Non-white Other Than Black	% Non-white
1965	74	-	1	1.35%
1966	100	-	-	-
1967	89	-	-	-
1968	90	-	-	-
1969	175	20	3	13.14%
1970	53	-	-	-
1971	116	8	3	9.48%
1972	185	29	10	21.08%
1973-July 1974	221	28	9	16.74%
TOTAL	1103	85	26	10.06%

62. A non-white has never been an officer of Local 28 or a member of the executive board of Local 28.

63. A non-white individual has never been an officer of the Contractors' Association.

LOC:blc
70-1674
N-143

64. During the period from at least July 1, 1968 through July 1, 1974 Local 28 issued the following number of "identification slips" permitting individuals who are not members of Local 28 to work in the sheetmetal industry within the geographic jurisdiction of Local 28:

Date	# of Ident. Slips
7/1/68	150-200
1/1/69	150-200
7/1/69	150-200
1/1/70	200-250
7/1/70	200-250
1/1/71	250-300
7/1/71	400-450
1/1/72	400-450
6/30/72	162
1/1/73	5
7/1/73	5
1/1/74	5
7/1/74	5

At least during the period 1968-1969, a number of those individuals to whom identification slips were issued were members of allied construction unions (i.e., plumbers, ironworkers, lathers, carpenters, elevator erectors); all others were members of affiliated sister local unions. All individuals to whom identification slips were issued during the period 1968-1974 were white.

65. During the following years, members and apprentices of Local 28 worked the following number of overtime hours:

Year	Number of Man hours of Overtime
1965	
1966	
1967	
1968	
1969	
1970	
1971	
1972	

Unavail

66. In 1968, pursuant to an arbitration order of Theodore Kheel, a total of 100 j-men individuals were admitted to membership in Local 28, 25 of whom were admitted through the means of a written and practical examination administered by

LGC:slc
70-1674
N-143

the Examining Board of Local 28 in 1968. In 1969, pursuant to the collective bargaining agreement, another test was administered by the Examining Board of Local 28, and 75 individuals were admitted to Local 28 pursuant to this test.

67. Of the 25 men admitted to Local 28 by the 1968 examination, none were non-white. Of the 75 admitted to the union by the 1969 examination, 14 (18.67%) were non-white.

68. The journeyman examinations given in 1968 and 1969 consisted of a written and practical test formulated, administered and scored by a 4 man Local 28 Examining Board appointed by the President of Local 28. These tests have not been validated pursuant to EEOC guidelines.

69. During the period May 24, 1940 through February 21, 1973, Local 28 accepted for membership in the union 153 transfers from affiliated sister local unions. None of these transfers was non-white.

70. Local 28 does not maintain a hiring hall.

71. Referral and hiring are done informally, through word of mouth and contacts with other members, apprentices and contractors. Sometimes business agents call Local 28 members to advise them of job opportunities. Business agents also receive inquiries from Local 28 members concerning work opportunities.

72. Prior to November 1946, the Constitution of the International Association, which was the governing charter for Local 28, contained a provision providing for the establishment of an "auxiliary" when there was a "sufficient number of eligible Negro applicants." As stated in this provision, the auxiliary was:

> "Subordinate to the established and affiliated white local union and shall be represented by said white local union

at all conferences and conventions, including International Conventions. . . The same initiation, re-initiation and reinstatement fees shall apply to auxiliary members and the privilege of transfer shall be limited to transferring from one auxiliary to another auxiliary."

73. Local Union 400, Sheetmetal Workers International Association ("Local 400") is an unincorporated association located in New York City and is the recognized bargaining agent for the collective bargaining unit consisting of, inter alia, members and apprentices of Local 400 who perform sheetmetal work for sheetmetal contractors engaged in the blowpipe industry within the five boroughs of New York and the vicinity.

74. The geographic jurisdiction of Local 400 includes the five boroughs of New York.

75. The blowpipe division of Local 400 was organized in 1966.

76. The trade jurisdiction claimed by the blowpipe division of Local 400, as stated in its blowpipe agreement, consists of the following:

> Spray booth systems, including blowers, tanks, (duct work incidental to the system if 75 ft. or under), if over 75 ft., all duct work incidental to the system will be subcontracted to a sheet metal ship in agreement with the Sheet Metal Workers' International Association local having jurisdiction in the area in which the work is being done.
>
> Ovens and drying systems, including the manufacture of ovens, heaters, panels, etc., (and the duct work incidental to the system if 75 ft. or under), if over 75 ft., all duct work incidental to the system will be subcontracted to a sheet metal shop in agreement with the Sheet Metal Workers' International Association local having jurisdiction in the area in which the work is being done.
>
> Dust collecting systems, including the exhausts, blowers, fans, round pipe and cyclones.

Conveyor systems; except no slide chutes or hoppers to be installed except at Building Trades rates by a sheet metal shop in agreement with a Building Trades local of the Sheet Metal Workers' International Association.

Smoke houses.

Plating and degreasing tanks, including the exhaust systems and round pipe work.

Smoke stacks; breechings only when done as an accommodation while doing an installation covered in this Schedule in an existing plant.

Retail bakery work where the duct work does not exceed 75 ft. on the exterior of the building - if over 75 ft. all duct work incidental to the system will be sub-contracted out to a sheet metal shop in agreement with the Sheet Metal Workers' International Association local having jurisdiction in the area in which the work is being done.

Furnish and install makeup air systems in industrial plants

77. Since 1966, Local 28 has had jurisdictional disputes with Local 400 concerning work performed by members of Local 400's blowpipe division on at least two occassions, one in August 1967, and another in April, 1973. Local 28 has charged that Local 400 has infringed on its trade jurisdiction.

78. As of May 1974, the wage scale for members of the blowpipe division of Local 400 was $7.10 per hour.

79. As of July 1974, the wage scale for members of Local 28 was $11.52 per hour plus fringe benefits.

80. Local 28 has refused to participate in the New York Plan.

81. Since April, 1974 pursuant to orders dated April 9 and July 2, 1974, of the United States District Court for the Southern District of New York issued in this suit, a total of eighty (80) persons have been admitted to the apprentice program. Forty of these persons were non-whites. In accordance with the above orders six (6) non-whites were admitted to the apprentice program between April 15, 1974 and

LGC:slc
70-1674
N-143

July 1, 1974 and seventy-four (74) persons, of whom 34 were non-white were admitted between July 1, 1974 and October 25, 1974.

82. Part of the duties of Local 28 business agents is to organize non-union sheetmetal shops. From 1940 through 1971 Local 28 has organized 25 sheet metal companies which employed at least 56 employees who become members of Local 28. All such new members were white. In 1973, pursuant to an agreement between the parties herein whereby negotiations directed toward the settlement of this action were suspended for several months, Local 28 agreed to embark on an organizing compaign of sheetmetal contractors employing non-white sheetmetal workers. Pursuant to this agreement, in 1973 and 1974 Local 28 has organized 6 sheetmetal companies which employed 7 employees of whom 3 were minorities.

B. STIPULATION OF FACTS ~~OFFERED~~ SUBMITTED BY LOCAL 28 AND JAC

83. Since November 6, 1964, the apprenticeship program of the Joint Apprenticeship Committee ("JAC") has been administered and operating subject to the Order of the New York Supreme Court (Markowitz, J), New York County, dated November 6, 1964.

84. The JAC apprenticeship program is and has been registered with (a) the United States Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training and (b) the New York State Department of Labor Apprenticeship Council.

85. The current (1972) Collective Bargaining Agreement by and between Local 28 and the Contractors' Association provides:

"ARTICLE IX

. . .

SECTION 3.

. . .

(c) There shall be a moratorium on apprentices during the period of the six (6) hour day. Apprentices shall be appointed, but work assignment shall be deferred until return to the seven (7) hour day and shall then be made by the Joint Apprenticeship Committee in accordance with the required needs of the program."

. . .

"RULE XVII

Whenever, in the opinion of the Union, unemployment has risen to the point where some corrective action, in its opinion, should be taken, the Manpower Committee shall meet within forty-eight (48) hours to place these men in jobs.

If three hundred (300) regular men are unemployed, the Manpower Committee must, within seventy-two (72) hours, direct the industry to go on a six (6) hour day. There shall be no overtime during six (6) hour day periods. Unemployment to be confirmed by the Union.

When the number of men unemployed decreases to two hundred (200) then the industry shall return to a seven (7) hour day, within seventy-two (72) hours.

During six (6) hour day the lunch hour shall be from 11:30 A.M. to 12:00 Noon.

Establish a Joint Committee to meet, study and review feasibility of an appropriate Guaranteed Annual Wage Program."

86. Since October 31, 1973, the Sheet Metal Contractors which have collective bargaining agreements with Local 28 have been on a six (6) hour day in accordance with the provisions of Rule XVII thereof.

87. For the years 1969 to July 1974, the number and percentage of non-white members* of Local 28 were as follows:

	Total Membership*	Black	Non-white Other than Black	% Minority
1/1/69	2834	8	14	0.78
7/1/69	2859	8	14	0.77
1/1/70	2944	20	16	1.22
7/1/70	2898	20	16	1.24
1/1/71	2880	21	16	1.28
7/1/71	2869	28	19	1.63
1/1/72	2901	35	20	1.90
7/1/72	2962	44	23	2.23
11/1/72	3018	56	29	2.81
1/1/73	2999	57	31	2.93

*Excluding pensioners, but including officers and officials of Local 28 (12) and of the International Association (5), members employed as sheet metal worker, foreman or helpers by The City of New York ( ) and other "inactive" members.

LGC:rms
70-1674
N-141

7/1/73	3009	71	38	3.62
1/1/74	2974	78	38	3.90
7/1/74	2975	79	38	3.93

88. The Sheet Metal Workers (Local Union No. 28) Pension Fund has received contributions* in accordance with the Collective Bargaining Agreements by and between Local 28 and the Sheet Metal Contractors for the employment of journeymen and apprentices as follows:

	Journeymen	Apprentices
January, 1968		
June, 1968		
November, 1968		
January, 1969		
June, 1968		
November, 1968		
January, 1969		
June, 1969		
November, 1969		
January, 1970		
June, 1970		
November, 1970		
January, 1971		
June, 1971		
November, 1971		
January, 1972		
June, 1972		
November, 1972		
January, 1973		
June, 1973		
November, 1973	2035	270
December, 1973	2073	273

See ¶ 106 Supp. Sh. P

* Contributions are not made for members and apprentices of Local 28 working outside the jurisdiction of Local 28.

January, 1974	2026	317
February, 1974	2018	312
March, 1974	2001	314
April, 1974	1990	312
May, 1974	1966	319
June, 1974	1959	314
July, 1974	1988	270
August, 1974	1973	279
September, 1974	1977	273

89. Commencing with the week of October 30, 1973, the number of Local 28 journeymen unemployed by Sheet Metal Contractors in signed agreement with Local 28 as reported in the unemployment list compiled and maintained by Local 28 in accordance with the procedures described in the depositions of Edward O'Reilly has been as follows:

Date	Total Unemployed	Date	Total Unemployed
10/30/73	580	3/8/74	583
11/9/73	523	3/15/74	566
11/12/73	483	3/22/74	544
11/16/73	486	4/5/74	541
11/30/73	454	4/26/74	549
12/7/73	433	5/10/74	567
12/21/73	398	5/28/74	580
1/4/74	437	6/7/74	583
1/11/74	452	6/28/74	503
1/22/74	478	7/12/74	527
1/25/74	513	7/26/74	495
2/1/74	527	8/9/74	488
2/8/74	530	8/23/74	502
2/15/74	530	9/13/74	510
3/1/74	563	9/27/74	523

LGC:
70-1674
N-141

90. Commencing with the week ending April 30, 1974, the number of Local 28 journeymen and apprentices employed by Sheet Metal Contractors in signed agreement with Local 28 as recorded by the Contractors Association from weekly reports by all employers in signed agreement with Local 28 has been as follows:

Date	Journeymen	Apprentices
4/30/74	1819	292
5/7/74	1814	292
5/14/74	1793	291
5/21/74	1799	289
5/28/74	1692	287
6/7/74	1809	288
6/11/74	1803	286
6/18/74	1816	282
6/25/74	1860	294
7/2/74	1832	252
7/9/74	1817	237
7/16/74	1858	234
7/23/74	1866	238
7/30/74	1877	238
8/6/74	1887	247
8/13/74	1892	242
8/20/74	1894	242
8/27/74	1867	249
9/3/74	1894	249
9/10/74	1917	254
9/17/74	1870	246
9/24/74	1863	245
10/1/74	1847	242
10/8/84	1738	229

LGC:
70-1674
N-141

Date	Journeymen	Apprentices
10/15/74	1717	229
10/22/74	1696	243
10/29/74	1642	268

91. Commencing with the week of October 5, 1973, the number of unemployed apprentices has been as follows:

Date	Total Unemployed	B
10/5/73	27	2
10/12/73	22	2
10/19/73	22	2
10/26/73	20	2
11/2/73	19	1
11/9/73	19	1
11/16/73	14	1
11/23/73	20	0
11/30/73	18	0
12/7/73	15	1
12/14/73	15	1
12/21/73	17	1
12/28/73	17	1
1/4/74	17	1
1/11/74	17	1
1/18/74	13	1
1/25/74	14	1
2/1/74	22	2
2/8/74	22	2
2/15/74	20	2
2/22/74	22	2
3/1/74	20	1

LGC:
70-1674
N-141

Date	Total Unemployed	B
3/8/74	20	1
3/15/74	17	0
3/22/74	17	0
3/29/74	20	1
4/5/74	28	2
4/12/74	27	2
4/19/74	25	1
4/26/74	26	1
5/3/74	21	1
5/10/74	20	1
5/17/74	20	1
5/24/74	20	1
5/31/74	19	1
6/7/74	15	0
6/14/74	15	0
6/21/74	16	0
6/28/74	16	0
7/5/74	15	0
7/12/74	15	0
7/19/74	16	0
7/26/74	15	0
8/2/74	14	0
8/9/74	14	0
8/16/74	19	0
8/23/74	19	0
8/30/74	16	0
9/6/74	16	0
9/13/74	19	1

Date	Total Unemployed	B
9/20/74	24	2
9/27/74	27	3
10/4/74	5	0
10/11/74	6	0
10/18/74	6	0
10/25/74	8	0
11/1/74	10	1
11/8/74	13	2
11/15/74	16	2
11/22/74	19	3
11/29/74	23	3
12/5/74	27	3

92. The JAC apprenticeship program, including the number of apprentices to be appointed and assigned to work, is, and has been, a mandatory subject of collective bargaining by and between Local 28 and the Contractors' Association for at least the past 10 years.

93. The manpower requirements for journeymen for the Contractors' Association is, and has been, a mandatory subject of collective bargaining by and between Local 28 and the Contractors' Association for at least the past 10 years.

94. During the years 1963 - 1974 the City of New York ("City") has employed the following number of sheet metal workers foremen and helpers:

Year	Number Employed
1963	52
1964	52
1965	52
1966	52
1967	53
1968	53

1969

Year	Number Employed
1969	53
1970	53
1971	52
1972	48
1973	51
1974	55*

95. The duties and responsibilities of Sheet Metal Workers employed by the City are as follows:

> Under supervision, does work in fabricating, erecting and repairing sheet metal structures such as ducts, metal ceilings, tanks, storm louvres, roofs, etc.; and performs related work. Examples of typical tasks to be performed include the following: lays out, cuts, shapes, forms, rivets, solders and sweats tin, cooper, brass and all forms of sheet metal; sets and erects sheet metal structures such as ducts, louvers, canvas connections, ceilings, dampers, etc.; develops patterns and templates in fabricating complex shapes and forms; repairs metal ceilings, roofs, leaders, gutters, etc., does simple rigging in making these repairs; supervises assigned personnel; and keeps work records.

96. In accordance with the applicable provisions of Section 220 of the Labor Law of the State of New York, the sheet metal workers employed by the City of New York are paid the "prevailing wage". This "prevailing wage" by way of wages and supplemetal benefit is at least equal to the standard of wages and level of benefits provided in the Local 28 Collective Bargaining Agreement.

97. During the years 1963 - 1973, the City did not maintain records, data or information regulating the ethnic composition of its sheet metal workers, foremen, helpers or any other City employee. For the year 1974 the City's records indicated the following as to the ethnicity of its sheet metal workers, foremen or helpers:

* 47 employed by City agencies; 3 by Board of Education, and 5 by American Museum of Natural History.

LGC:bmj
70-1674
N-141

W	B	Asian - American
44	1	1

One sheet metal worker was employed subsequent to the preparation of the City's data, and the City has no information as to that employee's ethnicity. The City likewise has no records, data or information of the ethnicity of the sheet metal workers employed by the Board of Education and the American Museum of Natural History.

98. Sheet metal workers are employed in the following City agencies or departments:

Board of Education

American Museum of Natural History*

New York City Police Department

New York City Fire Department

New York City Department of Corrections

Economic Development Administration

Evironmental Protection Administration

Transportation Administration

Parks, Recreation & Cultural Affairs Administration

Municipal Services Administration

99. A. During the years 1963 - 1974 the City did not maintain records, data or information regarding the number of applicants or inquiries received for employment as a sheet metal worker, foreman or helper except in regard to the number of applications for the City's sheet metal workers examination in 1970.

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* The City does not certify its civil service list to the museum. The museum does its own hiring of sheet metal employees.

LGC:bmj
70-1674
N-141

B. During the years 1963 - 1974 the City offered only one examination for sheet metal workers consisting of two parts, one written and the second practical. There were 178 applications submitted for this examination; 121 applicants took the written examination; 61 candidates passed the written examination; 52 took the practical examination and 26 passed the practical examination.

The City did not maintain any records, data and information regarding the ethnicity of these applicants.

100. In accordance with its authority to hire "provisional employees" where vacancies exist in the lines budgeted therefor and where circumstances so require, the City may have hired during the years 1963 - 1970, and may hire for a period after 1974 sheet metal workers without an examination of any kind, except a medical examination, who have the following qualifications:

> (A) Five years of satisfactory, full-time, paid experience as a sheet metal worker; or (B) three years of satisfactory experience as specified in (A) plus sufficient satisfactory full-time paid experience as a sheet metal apprentice or approved vocation or trade school training to make a total of 5 years of acceptable experience. Six months of acceptable experience will be credited for each 12 months of acceptable experience as a sheet metal apprentice or for each school year of approved vocational or trade school training.
>
> Training or experience of a character relevant to the duties of this position which was acquired while on military duty or while engaged in a veterans' training or rehabilitation program recognized by the Federal Government will receive due credit.

Dated: New York, New York

December 6, 1974

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff Equal
Employment Opportunity Commission

By: Taggart D. Adams
TAGGART D. ADAMS
Assistant United States Attorney

LGC:bmj
70-1674
N-141

ADRIAN P. BURKE
Corporation Counsel for the City
of New York

By: Beverly Gross
BEVERLY GROSS

LOUIS J. LEFKOWITZ
Attorney General of the State
of New York
Attorney for the State of New York

By: Dominick A. Tuminaro
DOMINICK TUMINARO

SOL BOGEN, ESQ.
Attorney for Defendants Local 28
and JAC

ROSENTHAL & GOLDHABER
Attorneys for Defendants JAC and
the Contractors Association

By: William Rothberg
WILLIAM ROTHBERG
A member of the firm

LC:nc
n-763

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and the CITY OF NEW YORK,

Plaintiffs,

- v -

LOCAL 638 . . . LOCAL 28 of the SHEETMETAL WORKERS' INTERNATIONAL ASSOCIATION, LOCAL 28 JOINT APPRENTICESHIP COMMITTEE. . . SHEETMETAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC., etc.,

Defendants.

SUPPLEMENTAL STIPULATION OF FACTS

71 Civ. 2877 (HFW)

101. Paragraph 91 of the Stipulation of December 16, 1974 is amended as follows: the numbers of apprentices shown to be unemployed includes those apprentices who were suspended from the program on the date indicated.

102. The information contained in Paragraph 60 of the Stipulation of Facts is supplemented as follows:

	Total Membership	Non-White Black	Non-White Other Than Black	% Non-White
1/1/64	3380	0	12	.36%
7/1/64	3366	0	12	.36%
1/1/65	3412	0	13	.35%
7/1/65	3433	0	13	.35%
1/1/66	3416	0	13	.38%
7/1/66	3412	0	13	.38%
1/1/67	3399	0	13	.38%
7/1/67	3330	0	13	.39%
1/1/68	3329	0	13	.39%
7/1/68	3307	0	13	.39%

Local 28's records for periods prior to 1964 are not available.

103. Paragraph 12 of the Stipulation of Facts dated December 16, 1974 is supplemented as follows:

LC:nc
n-763

The following is a schedule of the number of Local 28 members who have retired or died during the periof indicated, as reported by the Local 28 pension fund:

Date	Retired	Died Pensioners	Non Pensioners	Total
8/1/64 *				
7/31/65	90	23	23	146
65-66	70	28	30	128
66-67	53	43	25	121
67-68	48	30	33	111
68-69	60	37	27	124
69-70	38	35	32	105
70-71	57	41	18	106
71-72	51	40	31	122
72-73	125	30	25	181
73-74	122	40	17	179
8/1/74-12/12/74		15	9	

* Data could not be found for years prior to 8/1/64.

104. Paragraph 13 of the Stipulation of Facts dated December 16, 1974 is supplemented as follows:

A Local 28 pensioner may return to active work status under the conditions as set forth in Sections 13 and 15 of the Pension Plan governing the pension fund which state:

> Section 13. Reemployment of an Early Retirement Pensioner may return to Covered Employment and subsequently retire again on a Pension from this Pension Fund. However, he shall not be entitled to any higher benefit amount than that previously established except for general increases in benefits. ...
>
> Section 15. Retirement Defined. Retirement for age under this Plan shall mean complete withdrawal from any further employment in work regularly performed by members of the Union or in any other building trades craft. However, if a Pensioner enters sheet metal employment or activity, retirement benefits shall still be payable if said pensioner earned $2,400 or less per annum. If a Pensioner enters such employment or activity, and earns more than $2,400 for any such calendar year, retirement benefits shall not be payable for the months of such activity and for six additional months.

However, in the event of an emergency in the industry, the Board of Trustees may suspend the additional six months disqualification provision. A Pensioner shall notify the Board of Trustees in writing, within 15 days after he enters upon such employment or activity. If he fails to give timely notice, the Board of Trustees may disqualify him from benefits for an additional period of not more than twelve months. Nothing in this Plan shall prevent a Pensioner who has retired for age from engaging in any employment or gainful occupation except further employment in work regularly performed by members of the Union or any other building trades craft.

105. As set forth below, the Contractors Association has compiled data concerning the number of overtime hours worked by members and apprentices of Local 28. The data only covers the period August 1969 through May 1972, and does not include the number of overtime hours worked by sheet metal firms in signed agreement with Local 28 who are not members of the Contractors Association.

The information set forth below was collected in response to letters sent by the Executive Directors of the Sheet Metal and Air Conditioning Contractors National Association, New York City Chapter Inc. These letters are annexed as Appendices 19 and 20.

Year	Month	Number of Overtime Hours Worked	Total
(a) 1969			
	August	10,900	
	September	16,480	
	October	21,366	
	November	28,543	
	December	29,244	
			106,533*

* This total for August-December 1969 does not include overtime hours worked by the following member firms:

LC:nc
n-763

Air Balance, Inc.; Alpine Sheet Metal & Ventilating Co., Inc., Alpine-Brook-Triangle Corp.; Brook Sheet Metal, Inc.; Builders Sheet Metal Works, Inc.; National Acoustics; National Sheet Metal Works, Inc.; Steel Town Sheet Metal & Iron Works, Inc.; Herman Thalman Co.; Triangle Sheet Metal Work, Inc.; Universal Sheet Metal Corp.

(b) 1970

January	23,363
February	27,251
March	29,505
April	38,550
May	25,657
June	29,422
July	28,289
August	29,149
September	33,084
October	26,694
November	25,073
December	23,773
	339,810*

* This total for 1970 does not include overtime hours worked by the following member firms: Alpine Sheet Metal & Ventilating Co., Inc.; Alpine-Brook-Triangle Corp.; Columbia Ventilating Co., Inc.; Federal Sheet Metal Works, Inc.; Charles Hartmann Co., Inc.; Howard Martin Co., Inc.; A. Munder & Son, Inc.; New York Sheet Metal Works, Inc.; Royal Sheet Metal Works, Inc.; Sobel & Kraus, Inc.; A. Suna & Co., Inc.; Unity Sheet Metal Works, Inc.

(c) 1971

January	35,936 3/4
February	43,780 1/2
March	58,216 1/2
April	49,845
May	59,212 3/4
June	74,706 3/4
July	63,059 1/4
August	64,809 1/4
September	80,933
October	83,141 3/4
November	83,959
December	70,401 1/4
	767,991 3/4

LC:nc
m-763

Year	Month	Number of Overtime Hours Worked	Total
(d) 1972			
	January	41,643 1/4	
	February	39,634 3/4	
	March	50,621 3/4	
	April	2,954 1/2	
	May	613	
			135,467 1/4

106. Paragraph 88 of the Stipulation of Facts is supplemented as follows:

	Journeymen	Apprentices
January 1967	2389	99
May 1967	2402	99
September 1967	2549	131
January 1968	2628	122
May 1968	2689	122
September 1968	2851	246
January 1969	2947	292
May 1969	2995	292
September 1969	2747	439
January 1970	2827	475
May 1970	2915	475
September 1970	3048	506
January 1971	2904	531
May 1971	3163	531
September 1971	3643	530
January 1972	3322	576
May 1972	2957	576
September 1972	2726	473
January 1973	2714	510
May 1973	2705	510
September 1973	2796	401

LC:nc
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107. As compiled by the Contractors Association, the following number of permit men (working on identification slips) were employed by member and non-member sheet metal firms during the times indicated;

Date	Number
December 1 through 28, 1971	517
As of January 31, 1972	495
As of February 29, 1972	455
As of May 31, 1972	296

108. ~~98.~~ Commencing with the week ending April 30, 1974, the number of Local 28 journeymen and apprentices employed by Sheet Metal Contractors in signed agreement with Local 28 as recorded by the Contractors Association from weekly reports by all employers in signed agreement with Local 28 has been as follows:

Date	Journeymen	Apprentices
4/30/74	1864	297
5/7/74	1863	297
5/14/74	1842	295
5/21/74	1856	294
5/28/74	1859	292
6/4/74	1843	293
6/11/74	1836	291
6/18/74	1875	290
6/25/74	1919	293
7/2/74	1916	262
7/9/74	1894	247
7/16/74	1958	244
7/23/74	1973	247
7/30/74	1960	245
8/6/74	1948	245
8/13/74	1943	247
8/20/74	1943	247
8/27/74	1934	246
9/3/74	1939	251
9/10/74	1961	256
9/17/74	1946	253
9/24/74	1923	253
10/1/74	1956	262

Date	Journeymen	Apprentices
10/8/74	1926	274
10/15/74	1956	273
10/22/74	1950	286
10/29/74	1941	308
11/5/74	1894	323
11/12/74	1887	324
11/19/74	1882	323
11/26/74	1868	319
12/3/74	1857	315
12/10/74	1839	315
12/17/74	1803	304
12/24/74	1783	300
12/31/74	1726	283
1/7/75	1726	268
1/14/75	1724	264
1/21/75	1701	255

109.

Apprentices

Date	Total Unemployed	B	N-W
12/10/74	27	5	0
12/17/74	33	5	2
12/24/74	33	5	2
12/31/74	33	5	2
1/8/75	37	5	2
1/15/75	41	5	2
1/22/75	50	6	3
1/29/75	53	6	3

Ex. 59 (cont)

SHEET METAL AND AIR CONDITIONING CONTRACTORS
NATIONAL ASSOCIATION / *New York City Chapter, Inc.*

WILLIAM ROTHBERG, *Executive Director*

June 7, 1972

To: All Members

Re: Manpower

Gentlemen:

One of the most important items being negotiated at the present time is the question of Manpower.

In order to present the strongest possible case, full factual data and information is required. To that end, enclosed, please find an Overtime Hours Worked form. Would you please be good enough to complete the form immediately and return it to this office.

Your urgent cooperation is requested.

Very truly yours,

William Rothberg

William Rothberg

WR/bk
Enc.

420 LEXINGTON AVENUE • NEW YORK, NEW YORK 10017 • (212) 532-2406

SHEET METAL AND AIR CONDITIONING CONTRACTORS
NATIONAL ASSOCIATION - NEW YORK CITY CHAPTER, INC.

OVERTIME HOURS WORKED

Indicate on the chart below the total number of overtime hours worked for the months indicated. This figure should be the actual number of overtime hours worked and not hours paid.

1971	January	_____
	February	_____
	March	_____
	April	_____
	May	_____
	June	_____
	July	_____
	August	_____
	September	_____
	October	_____
	November	_____
	December	_____
	TOTAL	_____
1972	January	_____
	February	_____
	March	_____
	April	_____
	May	_____
	TOTAL	_____

EMPLOYER: _____ BY: _____

Dated: _____

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.
44 Court Street
Brooklyn, New York 11201

April 1, 1971

TO THE MEMBERS

RE: MANPOWER

Gentlemen:

As you are aware, we are once again encountering a severe manpower shortage and all indications available show that this will develop into a most critical situation.

In order to be well prepared and in a position to pursue all possible avenues to seek additional manpower, it is most important that we have available all the necessary information relating to the current shortage.

To that end, I am enclosing herewith the following questionnaire forms:

1. Analysis of Work

2. Overtime Hours Worked

3. Additional Manpower Requirements

4. Men on Permit

It is most important that all members complete these forms immediately and return to us so that we may proceed with all due speed.

Your cooperation in this matter is urgently requested.

Very truly yours,

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

By: William Rothberg

WR/mw

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

OVERTIME HOURS WORKED

Indicate on the chart below the total number of overtime hours worked for the months indicated. This figure should be the actual number of hours worked and not hours paid.

1970

January	_____
February	_____
March	_____
April	_____
May	_____
June	_____
July	_____
August	_____
September	_____
October	_____
November	_____
December	_____
Total for 1970:	_____

1971

January	_____
February	_____
March	_____
Total for 1971:	_____

COMPANY: _____ BY: _____

OVERTIME HOURS WORKED

Indicate on the chart below the total number of overtime hours worked for the months indicated. This figure should be the actual number of hours worked and not hours paid

1968

January	_____	
February	_____	
March	_____	
April	_____	
May	_____	
June	_____	
July	_____	
August	_____	
September	_____	
October	_____	
November	_____	
December	_____	
	Total	_____

1969

January	_____	
February	_____	
March	_____	
	Total	_____

EMPLOYER: _____ BY: _____

Dated:

EX. 60 RECORD OF HEARING

A No.

Q To some extent a part ofyour business is contacting people on these tests, the people who are on the test who do well enough to be appointed, is that right?

A Yes.

Q You have had some experience with the fact that people move between the time they take the test and the time that you call them?

A Yes.

Q And you have had experience with the fact that you can't always get hold of these people the first time you try?

A Yes.

Q And you started getting hold of these people 18 months after the examination in the first week of September is that correct?

A Yes.

Q And you have had the list of names and racial identification for at least -- at least from July 2nd on, is that correct?

A Yes.

Q You said that you obtained a list with regard to job opportunities or job employment opportunities from the contractors for the first term apprentices. You stated

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE
FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

Exhibit 62

Answers to 1968 Test

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Exhibit 64

Tally sheet of the people who took 1968 Test.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Exhibit 67

Copy of 1969 Test with answers.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

1108c

Cliff Exh 8 for id Ex. 72 (1973) 8

10/24/75 JW

APPLICATION FOR APPRENTICESHIP TRAINING FOR THE SHEET METAL INDUSTRY FOR NEW YORK CITY, NEW YORK BY THE JOINT APPRENTICESHIP COMMITTEE

Applicant - All information submitted by you in this application will be treated in the strictest confidence by the Joint Apprenticeship Committee.

Date _____

PERSONAL INFORMATION

1. Name _____
Last First Middle

2. Present Mailing Address: _____
Street City State Zip Code

3. Social Security No. _____ Age _____

4. Phone No. _____ _____ Date of Birth _____

5. Are you a Citizen of U.S.A.? Yes ( ) No ( )

6. Have you ever applied to this apprenticeship Committee before?

_____ When? _____

7. U.S. Military or Naval Service _____ Rank _____ Present Membership in National Guard or Reserves _____

EDUCATIONAL RECORD

EDUCATION	Name & Location of School	Courses of Study General-Special	No. of Yrs. Attended
High School			

Date of Graduation-Month and Year _____

Additional Information re: Education: _____

_____

_____

Father's Name _____ Alive _____ Deceased _____

If deceased
Name of Guardian _____

1109

POLICE RECORD: List below, giving all detailed information, any police record that you have. List each arrest. It is not necessary to list minor traffic violations. This information must be accurate and complete. Any information which is withheld will be cause for immediate dismissal from the Apprentice Program. If none, say "none".

Name and Address of Police Station or Court	Date	Offense	Outcome

CHARACTER REFERENCES

Reference - Give below the names of three persons not related to you whom you have known at least 1 year. We may refer to these people for additional information about you.

Name	Address	Business	Years Acquainted

I authorize investigation of all the statements contained in this application. I understand that misrepresentation, distortion, or omission of the facts called for in this application, is cause for immediate dismissal at any time from the Apprentice Program. Further, I understand and agree, that if I am accepted into the Apprentice Program, that my employment is for no definite period and may be terminated at any time without any previous notice. I certify that the information given above is correct and true.

I agree that all of the decisions of the Joint Apprenticeship Committee shall be final and binding on me, and I shall comply with all terms and conditions set by the Joint Apprenticeship Committee.

In the event of my appointment to apprenticeship training, nothing deriving from such appointment shall be deemed or construed to vest in me any rights or remedies against any employer or against, the Joint Apprenticeship Committee or any of its members, or against Local 28 and I agree that my rights and remedies shall be limited to the right to receive wages for hours actually worked or spent at school.

Date _____ _____ _____

Parents Signature where applicant is under 21 years of age.

_____
Notary Public

RETURN COMPLETED APPLICATION TO: With a $10.00 check or M.O.

Joint Apprenticeship Committee
c/o Sheet Metal Workers Local No. 28
350 Broadway, New York, N.Y. 10013

1110

Ex. 78 JUNE 1, 1972 Shop List

7

M. T. Erector, Inc. (M)
1223 Terry Road, Ronkonkoma, N.Y. (460)

Frank A. McBride Company (A)
75 Spring Street, Paterson, N. J. 07501
201 - ARmory 8-1234 (36)

★Marley Cooling Tower Co. (M)
444 Madison Avenue, New York, N. Y. 10022
421-3540 (930)

★Howard Martin Co., Inc. (A)
43-02 36th Street, L. I. C., N. Y. 11101
937-3410 (184)

McKay Enclosures, Inc. (E)
170-30 39th Avenue, Flushing, N.Y. 11358
762-0083 (465)

John Melen, Inc. (C)
150 West 54th Street, New York, N. Y. 10019
PL 7-8111 (402)

Metropolitan Sheet Metal Works, Inc. (A)
78-06 Queens Blvd., Elmhurst, L. I., N. Y. 11373
NEwtown 9-3348 (99)

Modern Kitchen Equipment Corp. (K)
320 Faile Street, Bronx, N. Y. 10474
LU 9-7555 (332)

Modular Components Corp. (S)(E)
Triangle & Modulaire Enclosures
15-40 128th Street, College Point, N.Y. 11356
961-3010

★A. Munder & Son, Inc. (R)(M)
28-10 38th Avenue, L. I. C., N. Y. 11101
STillwell 6-6363 (100)

★National Acoustics (C)
515 West 36th Street, New York, N. Y. 10018
OXford 5-1252 (103)

National Air Balance Co., Inc. (T)
410 East 62nd Street, New York, N. Y. 10021
759-5730 (437)

National Roofing Corp. (R)
522 East 80th Street, Brooklyn, N. Y. 11236
CL 1-4630 (349)

★National Sheet Metal Works, Inc. (105) (A)
★N.S.M. Constructors, Inc. (72) (A)
★National Sheet Metal Works
Manhattan Corp. (367) (A)
280 Siegel Street, Brooklyn, N. Y. 11206
GLenmore 6-9700

Nebal Industries, Inc. (Dual) (A)(S)
1539 Boone Ave., Bronx, N. Y. 10460
991-1818 (441)

★New York Sheet Metal Works, Inc. (A)
161-3 17th Street, Brooklyn, N. Y. 11215
ST 8-8486-7 (108)

Pace Sheet Metal Works (A)
58-15 49th Street, Maspeth, N. Y. 11378
366-0003 (444)

Graham F. Pardee Corp. (C)
5-02 49th Avenue, L. I. C., N. Y. 11101
392-1200 (399)

★W. H. Peepels Sheet Metal Co., Inc. (Dual) (A)
12-17 Jackson Avenue, L. I. C., N. Y. 11101
STillwell 4-4301 (116)

Perfect Cornice & Roofing Co., Inc. (R)
3570 Jerome Avenue, Bronx, N. Y. 10467
OLinville 5-7272 (118)

James A. Phillips, Inc. (C)
1 Rockefeller Plaza, New York, N. Y. 10020
LT 1-2700 (294)

Pomar Sheet Metal, Inc. (A)(R)
4918 Foster Avenue, Brooklyn, N. Y. 11203
NA 9-1226 (386)

Progressive Kitchen Equipment Co., Inc. (K)
208 North Tenth Street, Brooklyn, N. Y. 11211
EVergreen 8-5586 (124)

Pyro Industries, Inc. (A)
224-10 Linden Blvd.,
Cambria Heights, N.Y. 11411
HI 9-6011 (464)

Queens-Century Roofing & Sheet Metal, Inc. (R)
59-47 Fresh Meadow La., Flushing, N. Y. 11365
FLushing 7-7277 (269)

Daniel J. Rice, Inc. (Dual) (A)
41-50 38th Street, L. I. C., N. Y. 11101
STillwell 4-0905 (132)

★Hugh Richards Associates, Inc. (S)
1578 Stillwell Avenue, Bronx, N.Y. 10461
931-2030 (459)

★Jacob Ringle & Son, Inc. (R)
26 Virginia Terrace, Jersey City, N. J. 07304
201 - HEnderson 3-0463 (134)

Romar Sheet Metal, Inc. (A)
1830 Adee Avenue, Bronx, N. Y. 10069
671-6700 (431)

★Royal Sheet Metal Works, Inc. (F)(A)(S)
548 Craven Street, Bronx, N.Y. 10474
DA 3-3232 (328)

★John Schneider Roofing Contractors, Inc. (R)
1056 Cypress Avenue, Brooklyn, N. Y. 11227
VAn Dyke 1-1820 (137)

William J. Scully Acoustic Corp. (C)
10-23 50th Avenue, L.I.C., N. Y. 11101
(212) 786-0600 (293)

Shapiro Equipment Co., Inc. (K)
211 East 141st Street, Bronx. N. Y. 10451
MO 9-6000 (309)

★Simpson Roofing & Ventilating Co., Inc. (R)
36-15 23rd Street, L. I. C., N. Y. 11106
937-3323 (142)

★Sobel & Kraus, Inc. (B)(R)(S)
1204 Washington Avenue, Bronx, N. Y. 10456
CYpress 2-9550 (144)

Space Sheet Metal Co. (A)
73-49 Grand Avenue, Maspeth, N.Y. 11378
672-4100 (468)

Standard Waterproofing Corp. (R)
207 East 120th St., New York, N. Y. 10035
LE 4-3910 (244)

Steel Erecting Company, Inc. (M)
500 East 132nd Street, Bronx, N. Y. 10454
585-4347 (324)

★Steel Town Sheet Metal & Iron Works, Inc. (A)
150 West Street, Brooklyn, N. Y. 11222
EV 9-3637 (329)

Stoker & Roberts Co., Inc. (R)
25-34 50th Street, Woodside, L. I., N. Y. 11377
RAvenswood 8-4130 (151)

Sumar Sheet Metal, Inc. (S)
1234 Bedford Avenue, Brooklyn, N. Y. 11216
638-4324 (448)

★A Suna & Company, Inc. (154) (A)
Louver Lite Corp. (362) (S)
Asco Roofing Corp. (366) (R)
19-41 46th Street, L. I. C., N. Y. 11105
RA 1-6300 (366)

Supreme Fireproof Door Co., Inc. (D)
226 East 144th Street, Bronx, N. Y. 10451
MOtt Haven 9-0750 (209)

Supreme Roofing & Skylight Corp. (R)
4417 Third Avenue, Bronx, N. Y. 10457
CYpress 5-1660 (153)

Swift Sheet Metal Corp. (A)(F)
79-26 71st Avenue, Glendale, N. Y. 11227
894-7223 (415)

Systems Testing & Balancing, Inc. (T)
5 Court Square, L. I. C., N. Y.
392-2929 (445)

Tenridge Construction Corp. (R)
625 Parkside Avenue, Brooklyn, N.Y. 11226
469-8630 (453)

★Herman Thalman Co. (A)(B)
1792 Dean Street, Brooklyn, N. Y. 11233
HYacinth 3-9434 (155)

Three Boro Sheet Metal & Ventilating Co., Inc. (A)
11 Wythe Avenue, Brooklyn, N.Y.
387-2709 (430)

H. Tillman & Son, Inc. (R)
119-17 101st Ave., Richmond Hill, N. Y. 11419
VIrginia 9-4170 (216)

★Triangle Sheet Metal Work, Inc. (A)
115 New Hyde Park Road.
New Hyde Park, L. I., N. Y. 11041
Fieldstone 3-8700 (156)

True-Air Corp. (A)
15 Hooper Street, Brooklyn, N. Y. 11211
858-8153-4-5 (446)

★Tuttle Roofing Company, Inc. (R)
45-11 Davis Street, L. I. C., N. Y. 11101
392-6832-3 (401)

★United Roofing & Waterproofing Corp. (R)
130-16 89th Road, Jamaica, N. Y. 11418
HI 1-4700 (160)

Unity Sheet Metal Works, Inc. (A)(R)
37 Richard Street, Brooklyn, N. Y. 11231
MAin 5-3991 (162)

1111

Ex. 82
Apprenticeship Application

PLF DEF EXHIBIT 82 id 10/17/72 WH

IMPORTANT DATES TO REMEMBER

APPLICATION CLOSING DATE: FRIDAY OCTOBER 15, 1971
APPRENTICE TEST DATE: SAT. OCTOBER 16, 1971
SUBSEQUENT APPLICANTS START WORK ON/ABOUT JANUARY 2, 1972
AND JULY 1st 1972.

INSTRUCTION TO APPLICANTS AND APPLICATION FORMS

You are requested to fill in the information required on the attached pages. All of the information must be complete and accurate. Wilful distortion of information or intentional deletion of pertinent information will be sufficient cause for rejection from consideration as an applicant.

With your application form, it is necessary for you to return the following information:

1. A certificate of age from your local board of education, or a certified photostat of your birth certificate or a copy of your baptismal certificate

2. A transcript of your high school record and your high school diploma

Your application will not be considered or processed unless all of this information is complete.

You will also find, attached here to, an affidavit stating that you are not a member of the Communist Party. This will be required to be filed with your application.

You will be required to submit with your application, the sum of $10.00 by money order, bank check or cash made payable to Local #28 Joint Apprenticeship Committee. This will not be refunded in the event of your failure to be appointed.

RETURN COMPLETED APPLICATION TO:

Joint Apprenticeship Committee
% Local Union #28
350 Broadway
New York, New York 100013

QUALIFICATIONS BY WHICH APPLICANTS WILL BE JUDGED

A. NOTIFICATION OF REQUIREMENTS A written statement of the qualifications for admission will be given to each applicant prior to the time when each applicant is first required to demonstrate his qualifications.

B. The age rules are as follows: Each applicant must be not less than 18 years of age as of the date that the class to which he is appointed commences. Applicants need not be 18 years of age in order to make application, or to take the aptitude test. Each applicant must be no more than 25 years of age in order to make application, or to take the aptitude test. All veterans of active duty in the military forces, the age limit is extended 1 year for each year of active service up to the maximum age of (30).

C. HIGH SCHOOL PREREQUISITE - Applicants who file applications for admission to the Apprenticeship Training Program shall have graduated from high school or have an equivalency certificate showing completion of high school studies. However, candidates may take the test providing they will have graduated from high school or have their equivalency certificate by the appointment date.

D. APTITUDE TESTING - Applicants who satisfy the age and educational requirements will be eligible for aptitude tests to be given at a time and place designated by the Joint Apprenticeship Committee. Applicants will be tested for mental alertness; mechanical reasoning; spatial relations; mathematical computations and concepts and mathematical analysis and problem solving.

E. PHYSICAL EMOTIONAL PREREQUISITE - Each candidate must be physically fit and emotionally stable. Based on the aptitude scores, he will be given a physical and personal interview. Physicals and interviews will be granted to the number determined by the Joint Apprenticeship Committee.

APPLICATION
FOR APPRENTICESHIP TRAINING FOR THE
SHEET METAL INDUSTRY FOR NEW YORK CITY, NEW YORK
by the
JOINT APPRENTICESHIP COMMITTEE

Applicant - All information submitted by you in this application will be treated in the strictest confidence by the Joint Apprenticeship Committee.

Date:_____

PERSONAL INFORMATION

(1) Name_____
Last First Middle

(2) Present Address:_____
Street City State

(3) Permanent Address (If other than Present address)_____
Street City State

(4) Social Security No._____Age_____

(5) Phone No._____Own Auto_____Own Home_____
Rent_____Board_____

(6) Date of Birth_____

(7) Height_____Weight_____Color of Hair_____Color of Eyes_____

(8) Married_____Single_____Widowed_____Divorced_____Separated___

(9) Number of Dependents_____ Wife_____ Children_____

Dependents other than Wife or Children (specify) _____

(10) Father's Name_____ Alive____Deceased____

If deceased,
(11) Name of Guardian_____

(12) Are you a Citizen of U.S.A.? Yes ( ) No. ( )

(13) Are you employed now?_____ Your present employer:

Name_____

Address_____

(14) Have you ever applied to this Apprenticeship Committee before? _____ When?_____

(15) Are you holding more than one job at the present time? If so, explain in detail.

_____

_____

(16) U.S. Military or Naval Service_____ Rank_____ Present Membership in National Guard or Reserves_____

EDUCATIONAL RECORD

EDUCATION	Name and Location of School	Courses of Study General-Special	No. of Yrs Attended	Date Graduated Mo. Year	Degrees
Grammar School					
High School					
Correspondence School					
College					
Service Schools					

Additional information re: Education: Subject of Special Study_____

PHYSICAL RECORD:

(1) Were you ever injured? Give details_____

_____

(2) Have you any defects in hearing?_____In Vision?_____

In Speech?_____

(3) Do you experience dizziness, or have fear of heights?_____

(4) Name and address of your Family Physician:

_____

_____

I hereby authorize any doctor whom I have consulted or who has treated me to make full disclosure of the nature of the ailment or ailments for which I was treated to the Sheet Metal Workers Local 28 Apprenticeship Committee and Trust.

Dated:_____

Name_____

Address_____

_____
(Signature)

POLICE RECORD: List below, giving all detailed information, any police record that you have. List each arrest. It is not necessary to list minor traffic violations. This information must be accurate and complete. Any information which is withheld will be cause for immediate dismissal from the Apprentice Program. If none, say "none".

Name and Address of Police Station or Court	Date	Offense	Outcome

EMPLOYMENT HISTORY: If you are now attending school and have never held a job indicate this information. List the indicated information for all jobs you have held. If you are now working list information regarding your present job. Reason for terminating jobs must be included. Complete all information requested. If space is insufficient, attach separate sheet. List any jobs during vacations from school.

Employers Name & Address	Title and Duties	Salary	Date Started	Date Left	Reason for Leaving
1.		Start: $_____ Leaving: $			
2.		Start: $_____ Leaving: $			
3.		Start: $_____ Leaving: $			
4.		Start $_____ Leaving: $			
5.		Start: $_____ Leaving: $			
6.		Start: $_____ Leaving: $			
7.		Start $_____ Leaving: $			

1119

CHARACTER REFERENCES

REFERENCE: Give below the names of three persons not related to you, whom you have known at least 1 year. We may refer to these people for additional information about you.

NAME	Address	Business	Years Acquainted
1.			
2.			
3.			

I authorize investigation of all the statements contained in this application. I understand that misrepresentation, distortion, or omission of the facts called for in this application, is cause for immediate dismissal at any time from the Apprentice Program. Further, I understand and agree, that if I am accepted into the Apprentice Program, that my employment is for no definite period and may be terminated at any time without any previous notice. I certify that the information given above is correct and true.

I agree that all of the decisions of the Joint Apprenticeship Committee shall be final and binding on me, and I shall comply with all terms and conditions set by the Joint Apprenticeship Committee.

In the event of my appointment to apprenticeship training, nothing deriving from such appointment shall be deemed or construed to vest in me any rights or remedies against any employer or against the Joint Apprenticeship Committee or any of its members, or against Local 28, and I agree that my rights and remedies shall be limited to the right to receive wages for hours actually worked or spent at school.

Dated:_____ _____

Parents Signature where Applicant
is under 21 years of age.

_____

STATE OF NEW YORK)
: SS:
COUNTY OF)

, being duly sworn

deposes and says:

That he resides at _____
Street

_____, _____
Borough City and State

That he is the person who has made the within application for admission to apprenticeship training under the training program administered by the Joint Apprenticeship Committee and Trust for the Sheet Metal Industry of the City of New York.

That he is not, and has never been, a member of the Communist Party nor a member of any other party or group which advocates the overthrow of the United States by force.

That he makes this affidavit for the purpose of inducing the Joint Apprenticeship Committee to accept and act upon his application for admission to the apprenticeship training program.

Sworn to before me this
day of 19 .

_____
Name of Applicant

_____
Notary Public

Ex. 87 FORM REJECTION LETTER

November 6, 1969

Mr. Gregory C. Harmon
2300 5th Avenue
New York, N. Y.

Dear Mr. Harmon:

At a meeting of the Joint Apprenticeship Committee held on November 5, 1969, your application was reviewed. It was the finding of the Committee to reject your application due to your character.

Enclosed you will find a $10.00 money-order which is a refund of the file fee you posted with our application.

Sincerely,

JOINT APPRENTICESHIP COMMITTEE

JAG:h

Ex. 88

Copy of Gregory Harmon's
File Folder

NG

Gregory Harmon
P# 92544

1124

Ex. 90

MINUTES OF A MEETING OF THE
JOINT ADJUSTMENT BOARD HELD
WEDNESDAY, AUGUST 19, 1970

A meeting of the LOCAL JOINT ADJUSTMENT BOARD of the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC. and LOCAL UNION #28, SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, was held at the premises of the BUILDING TRADES EMPLOYERS' ASSOCIATION, 711 Third Avenue, New York, on August 19, 1970 at 11:30 A.M..

In attendance at said meeting were:

John J. Flannery
Edward Doff
William Rothberg
Abe Cohen
Morris Lipka
Norman Burtman

they being the Employer Members.

Mell Farrell
Ed O'Reilly
Dan Pasquinucci
Gus Pasquinucci
Ed Stack
Carl Fiore
John Kissane
James Rhatigan
Michael Valentine
Sam Elnick
David Ross
Harry Reuckert

they being the Union Members.

Also present were:

Samuel Harris Cohen, Esq., Counsel to Local Union #28
Harry Suna, of A. Suna & Co., Employer Observer

MR. JOHN J. FLANNERY acted as Chairman of the meeting. MR. ED O'REILLY acted as Secretary.

The meeting was convened at the request of the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC., 44 Court Street, Brooklyn, New York, based upon an Association's complaint against LOCAL UNION #28 of the SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, 350 Broadway, New York, New York. Annexed hereto and made a part hereof is a copy of the Request, dated August 5, 1970, for the convening of the JOINT ADJUSTMENT BOARD.

That portion of Rule XVI of the current Collective Bargaining Agreement between the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC. and LOCAL UNION #28 of the SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, that was pertinent to the grievance, was read into the minutes.

> "When the manpower requests filed with the Manpower Committee, show for two consecutive weeks a need for one hundred or more journaymen sheet metal workers which has not been fulfilled, then the Union, within seven days, shall take all additional steps necessary to meet the manpower requests of the Employer and obtain qualified men."

Article III of the current Collective Bargaining Agreement was also read into the minutes.

> "The Union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for be the Employer in the manner and under the conditions specified in this Agreement."

MR. MORRIS LIPKA, Chairman of the MANPOWER ADVISORY COMMITTEE, presented the facts of the complaint to the Board.

MR. LIPKA read a summary of the request to the Manpower Committee commencing with June 22nd. They are as follows:

Week of June 22nd	-	146
Week of June 29th	-	297
Week of July 6th	-	297
Week of July 13th	-	328
Week of July 20th	-	334
Week of July 27th	-	378
Week of August 3rd	-	371
Week of August 10th	-	368
Week of August 17th	-	441

MR. LIPKA thereupon read a breakdown of the requests for the last two weeks. They were as follows:

WEEK OF AUGUST 10, 1970

A-B-T	130
ATLAS	11
BUILDERS	3
COLUMBIA	4
FLANNERY	12
KENT	2
NATIONAL	87
STEEL-TOWNE	4
SUNA	26
TRIANGLE	33
UNIVERSAL	56
TOTAL	368

WEEK OF AUGUST 17, 1970

A-B-T	130
ALLIED	14
ATLAS	12
BRANDT	12
COLUMBIA	1
GENERAL	24
KENT	2
M & E	26
NATIONAL ACOUSTICS	6
NATIONAL SHEET METAL	89
SUNA	6
TRIANGLE	26
UNIVERSAL	33
TOTAL	441

ED O'REILLY stated that since July 16, 1970, 238 new men have been granted permits to work. MR. LIPKA thereupon noted that one of the serious problems with permit men is the tremendous turnover in that many companies have had upwards of 150 permit men since the first of the year although currently less than 15 are working. If the men would stay for an extended period of time, it would help the situation, but with men constantly coming and going, it's a tremendous burden on the Employer. He also pointed out that of these 238 permits issued, one does not know how many men are still working in that many men who received permits leave without advising the Union. MR. LIPKA reitterated that we definitely need men and asked what can be done about the situation.

MR. FARRELL stated that the requests are inflated but that, to whatever extent, the Union is trying to bring in additional manpower. He noted that one of the problems is that the high cost of living in New York City is causing a lot of permit men to leave in that they cannot meet their expenses and that one help would be for the Employers to find inexpensive housing for these men to come in on permits.

There then followed discussions by both sides concerning the possibility of bringing in additionsl manpower from Sheet Metal Locals located in Canada. This situation was to be looked into by both Mr. Farrell as to the availability and by counsel to the Union and the Association to see what procedures would have to be followed.

MR. FARREL continued that vacations were still causing a tremendous drain on the industry but that after Labor Day the situation would be greatly eased. He also read an article from a recent issue of the New York Times indicating that a plan for an office building was not being carried forth at the present time and further that an extended lease for a building in the Wall Street district had been cancelled. He noted that he does not want unemployment and that the economy is in bad shape.

ABE COHEN noted that there are a number of new buildings presently going ahead and that certainly in the office building construction, there will be a tremendous need for manpower for a period of years. MR. FLANNERY once again suggested that the Employer

be permitted to refer men to Local #28 for permits to work. MR. FARRELL, as previously indicated, rejected this proposal. A further suggestion was for the men to work an 8 hour day at straight time for a temporary period of time. MR. FARRELL noted that his men would not accept this under any conditions.

MR. FARRELL further noted that since July 1, 1970, 61 apprentices were recently brought in. At this point, there was a break for lunch.

Upon return, there was some discussion had as to the number of permit men brought in during the last two weeks as well as to the use of the manpower requirement reports. It was agreed by all that men would not be assigned to those Employers who have not submitted formal written manpower requirement reports.

MR. FARRELL thereupon stated that he would be willing to grant permits to boiler makers who, he understood would be slow in the very near future, to ornamental workers and elevator constructors. He felt that this would also help the situation.

At this point, the Employers requested a caucus. Upon their return, MR. FLANNERY noted that there was an honest disagreement between both sides as to the current need for manpower, the prospective need for manpower and how to best meet this problem. He noted that the granting of permits to allied trades and the willingness to check into the situation in bringing men in from Canada were positive step on the part of the Union. MR. FLANNERY thereupon advised the Union that the Employers have agreed to table the matter, as per the Union's request, until after Labor Day and that further the Employers wished that the Manpower Committee be activated to meet on a weekly basis.

The meeting was thereupon adjourned to September 22, 1970 at 10:00 A.M..

RECEIPT FOR CERTIFIED MAIL—30¢

No. 86304

SENT TO
Mr. Edward O'Reilly

POSTMARK OR DATE

STREET AND NO.
350 Broadway

P. O., STATE, AND ZIP CODE
N.Y. N.Y.

EXTRA SERVICES FOR ADDITIONAL FEES

Return Receipt
Shows to whom and date delivered ☐ 10¢ fee
Shows to whom, date, and where delivered ☐ 35¢ fee
Deliver to Addressee Only ☐ 50¢ fee

POD Form 3800 Mar. 1966 NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side)

Ex. 91,
JAB. Letter to
O'Reilly

August 7, 1968

Mr. Edward O'Reilly
c/o Sheet Metal Workers Local Union #28
350 Broadway
New York City, New York

Dear Mr. O'Reilly:

We were advised, at a conference held August 5, 1968, in the office of James G. Norton, Director of Contract Compliance in the office of the Mayor of the City of New York, that the City of New York has disqualified a number of the members of our Association and has threatened to disqualify all the remaining members of our Association for lack of what it considers an adequate showing of affirmative action on the part of the employers in hiring journeymen sheet metal workers out of minority groups.

When we were unable to resolve this problem at Mr. Norton's office, you agreed that the matter would be discussed within our own ranks at a session of the JOINT ADJUSTMENT BOARD to be held on WEDNESDAY, AUGUST 14th, 1968 immediately after the conclusion of a meeting previously scheduled for the JOINT APPRENTICESHIP COMMITTEE to be held at 10:00 a.m. on that day.

Accordingly, by this letter, I herewith ask that a meeting of the JOINT ADJUSTMENT BOARD be convened and held at the offices of the B.T.E.A. on WEDNESDAY, AUGUST 14th, 1968 at 1:00 p.m. to consider the grievance of the Sheet Metal Contractors Association Inc. concerning restrictions placed upon the members of our Association forbidding the hiring of

Govt's Exh. 4/27/73 12

journeymen sheet metal workers, not members of Sheet Metal Workers Local 28, who are members of minority groups.

Very truly yours,

SHEET METAL CONTRACTORS ASSOCIATION
OF NEW YORK CITY, INC.

By:

Secretary

BR:mp
CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Ex. 92

MINUTES OF A MEETING OF THE
JOINT ADJUSTMENT BOARD
HELD - AUGUST 22nd, 1968

A special meeting of the JOINT ADJUSTMENT BOARD was held August 22, 1968 in accordance with a telegram sent by the Impartial Arbitrator, Theodore Kheel, which reads, in part:

> "I, direct the parties to have a JOINT ADJUSTMENT BOARD meeting on the matter not later than THURSDAY of this week and to report the results of this meeting immediately to me".

Present at the meeting were:

Representing the Sheet Metal Contractors Association:

Mr. Fred Munder
Mr. Seymour Zwerling
Mr. Nathaniel Gold
Mr. Murray Roth
Mr. Morris Lipka
Mr. John J. Flannery
Mr. Edward Doff
Mr. Benjamin Rosenthal

Representing the Mechanical Contractors Association:

Mr. A. C. Contardi
Mr. Emile Munier
Mr. Daniel F. O'Connell

Representing Local 28:

Mr. Mell Farrell
Mr. Edward O'Reilly
Mr. Samuel Harris Cohen
and the other members of Local 28's
JOINT ADJUSTMENT BOARD

Govt's Ex 8 4/27/73 CZ

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Mr. Fred Munder presided.

Mr. Munder stated that we would read the letter sent to Mr. Mel Farrell and Mr. Edward O'Reilly by Mr. Rosenthal dated August 7th, 1968 invoking the JOINT ADJUSTMENT BOARD.

Mr. Farrell: there is no need to read the letter; we are fully familiar with it.

Mr. Munder then proposed to read the letter invoking arbitration dated August 15th, 1968, sent to Mr. Theodore Kheel by Mr. Rosenthal.

Farrell: there is no need to read that letter. We received a copy of it and are fully familiar with it.

Farrell continuing:

Mr. Kheel has no right to direct a JOINT ADJUSTMENT BOARD meeting unless a specific clause of the contract is claimed to have been violated by Local 23. We claim that this meeting has no validity and that Mr. Kheel had no right to direct us to be here. The only thing we can meet on is a claim that Local 23 has violated the contract; what clause of the contract is violated?

Mr. Rosenthal requested permission to address the meeting in response to Mr. Farrell's statement.

Mr. Rosenthal referred to and read Article IX Section 1:

"The parties to this Agreement hereby agree to establish a Joint Adjustment Board with equal representation thereon which shall hold regular or special meetings as circumstances may warrant, and to which shall be referred all matters of controversy or dispute arising out of the operation of this Agreement or affecting relations between the parties thereto which cannot be settled by the duly authorized representative of the Union and the employer directly involved."

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Having read the section Mr. Rosenthal pointed out that it clearly holds that there shall be referred to the JOINT ADJUSTMENT BOARD all matters of controversy or dispute arising out of the operation of this agreement or affecting relations between the parties thereto which cannot be settled . . ."

The issue of whether Local 28 violated a contract clause is not the only issue to be considered by the Board; it is enough that a matter of controversy or dispute exists which affects the relations between the parties which cannot be settled by duly authorized representatives . . ."

Mr. Rosenthal stated that in his letter to Mr. Kheel he had stressed the fact that we have been in a grip of a devastating manpower shortage which Local 28 has either been unwilling or unable to solve; that the employer associations feel that a valid and workable method for meeting this manpower shortage problem and simultaneously meeting the problem of equal employment opportunities lies in the creation of a Joint Committee on Non-Discriminatory Hiring which can seek out and provide skilled workers with necessary training and ability on a non-discriminatory basis; that Local 28 has rejected the proposal out of hand and has even refused to discuss its merits.

Mr. Rosenthal further pointed out that the inability of the associations to adopt a Non-Discriminatory Hiring Plan because of the refusal of Local 28 to join therein has invoked the wrath of the City of New York which has disqualified three of our members and now threatens to disqualify the rest of our members from handling any city work. We have been advised and fully believe that the disqualification will be passed on to similar state agencies and federal agencies and that the disqualification will prove far more hurtful than any of the members of Local 28's Joint Adjustment Board can now contemplate.

Mr. Daniel O'Connell then spoke about the need for a flexible attitude which would help solve the manpower requirements and simultaneously solve the problems of equal employment opportunities. He urged the members of Local 28, present at the meeting, to give serious consideration to a Joint Committee on Non-Discriminatory Hiring Practices.

Mr. Farrell: The Joint Adjustment Board can only hear complaints that Local 28 has violated its contract. Nothing has been said about the violation of the contract on the part of Local 28 and the Joint Adjustment Board has nothing for us to consider.

Mr. Rosenthal then asked leave to make a motion. Objection was raised to the motion being made by Mr. Rosenthal. Mr. Munder sustained his right on the ground that Mr. Rosenthal is a member of the committee.

Mr. Rosenthal thereupon moved: That both employer associations and Local 28 jointly form a Non-Discriminatory Hiring Committee to set up, and put into practice, procedures to hire journeymen on a non-discriminatory basis so as to comply with Executive Order 71. Motion was seconded by J.J. Flannery.

Mr. Munder asked whether Local 28 wanted to caucus on the question.

Mr. Farrell: No caucus. Local 28 says no to the motion.

Both associations voted for the motion.

The motion was thereupon deadlocked.

Ex. 95 ONLY COPY AVAILABLE

MINUTES OF A MEETING OF THE
JOINT ADJUSTMENT BOARD
HELD THURSDAY, JUNE 16, 1970

A meeting of the LOCAL JOINT ADJUSTMENT BOARD of the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC. and LOCAL UNION #28, SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, was held at the premises of the BUILDING TRADES EMPLOYERS' ASSOCIATION, 711 Third Avenue, New York, New York, on July 16, 1970 at 10:00 A.M.

In attendance at said meeting were:

John J. Flannery
Sam Singer
Edward Doff ——— K COMPLAINT
William Rothberg
Seymour Zwerling ——— K COMPLAINT
Abe Cohen
Morton Wolkowitz
Morris Lipka

they being the Employer Members.

Mel Farrell
Ed O'Reilly
Dan Pasquinucci
Gus Pasquinucci
Ed Stack
Carl Fiore
John Rissane
James Rhatigan
Michael Valantine
Sam Elnick
David Ross
Harry Reuckert

they being the Union Members.

ONLY COPY AVAILABLE

Also present were:

Jerome Lurie, Esq., Counsel to Local Union #28
Harry Suna, Employer Observer

MR. JOHN J. FLANNERY acted as Chairman of the meeting. MR. ED O'REILLY acted as Secretary.

The meeting was convened at the request of the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC. based upon a complaint of one of its members, ALPINE-BROOK-TRIANGLE CORP., 30 Church Street, New York, New York against LOCAL UNION #28 of the SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, 350 Broadway, New York, New York. Annexed hereto and made a part hereof is a copy of The Request, dated July 9, 1970, for the convening of the JOINT ADJUSTMENT BOARD.

The grievance was set forth in a telegram from ALPINE-BROOK-TRIANGLE CORP. dated July 9, 1970. Annexed hereto and made a part hereof is a copy of said telegram.

Article III of the current Collective Bargaining Agreement between the Sheet Metal Contractors Association of New York City, Inc. and Local Union #28 of the Sheet Metal Workers International Association was read into the minutes.

> "The union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under the conditions specified in this Agreement."

MR. SEYMOUR ZWERLING, President of ALPINE-BROOK-TRIANGLE CORP., (hereinafter referred to as A-B-T), presented the facts of the complaint to the Board.

Up until late April of 1970, the requirements of A-B-T were of a small magnitude and were generally met by the business agent quite promptly. In the latter part of April, requests were cut down because of a number of problems encountered by A-B-T on the job and therefore from the latter part of April through early May, requests were made only for replacements to the existing work force. In mid May, requirements increased to approximately 15 men per week for a period of two weeks. These requests, contrary to previous requests, were not filled by the business agent and the inability to obtain additional manpower aggravated the situation. When the oral requests were not filled, A-B-T commenced sending written requests for manpower to both the Union and the Association. A breakdown of these written requests indicate that A-B-T had asked for 60 men for the week of June 21st and this increased the following week to a request for 220 men over a four (4) week period with 130 men needed the first week. These requests have not been met and the problem has become more acute.

It was further pointed out that the problem has been compounded in that there is an average absenteeism of 13% to 19% daily on the job. There is also a tremendous turnover of employees, indicated by the fact that although there are only 141 men currently on the roster, A-B-T has hired 391 men in the last 14½ months.

It was pointed out that although the job was delayed by other trades, our trade is experiencing the greatest shortage of manpower and is causing the greatest delays on the job. This has resulted in letters from the owner and the coordinator, threatening, among other things, damage actions against A-B-T unless the job is properly manned.

It was further pointed out that although men have been brought in to this area by the Union, these men have not been distributed fairly in that A-B-T has not received a proportionate share of these new men considering the magnitude of their request for manpower.

On June 17th, 1970, the three (3) companies furnishing fabricated materials for the job were required to discontinue fabrication because of the tremendous backlog of materials, both on the job site as well as in the yards of these shops. It was noted that there is approximately 200 - 300 tons of material on the job waiting to be erected as well as tremendous amounts of equipment requiring setting.

It was pointed out that A-B-T, over the next few months, would be increasing its work force on the job at least two times and probably three times over its present crew, and that it could use 220 men over a period of the next month and could easily absorb 130 men during the immediate week.

Mr. Farrell thereupon presented the position of Local Union #28.

Stock piling of materials on the job site delayed erection of the material, but it was acknowledged that these areas have been cleaned up. Mr. Zworling interjected to note that areas other than the typical tenant's floors are ready to be installed, such as the fan rooms, subgrades, risers, etc.

Mr. Farrell continued. Additional men have been brought in from sister locals of the SHEET METAL WORKERS INTERNATIONAL ASSOCIATION to help alleviate the situation. It was acknowledged that additional manpower was required on that job but Mr. Farrell would not accept the figures as presented by A-B-T and said that he would try to visit the job in order to ascertain the exact number.

Mr. O'Reilly thereupon read off a list of those places from where men are coming from and to whom permits have been issued. It was noted that 469 men were presently working on permits from a number of different areas around the country, and that Local #28 has made strong efforts to bring additional manpower into the industry.

Mr. Abe Cohen, an employer member of the Joint Adjustment Board, noted that although efforts had been made by the Union in good faith to meet our manpower requirements, they were still far short of our present needs, and will in no way be able to meet our prospective needs.

Mr. Farrell stated that the Union had exhausted all possible means for obtaining additional manpower and that we must look for other ways to meet the manpower requirements. He, therefore, proposed that all Employers under contract with Local Union #28 commence, on a trial basis, a mandatory One Hour Per Day Overtime. This, he felt, would ease the burden over the summer months when men are taking vacations and would also attract additional men from out of the city.

Mr. Flannery noted that this is an unfair proposal in that it was putting an additional burden on the employers although it was the Union who had not been able to meet the contractural requirements of supplying sufficient manpower.

Mr. Daniel Pasquinucci, the business agent covering the territory in which the job was located, noted that he agreed that A-B-T needed all the men requested and that he has attempted on many occasions to bring in additional manpower but has been unsuccessful and further that he did not know how to obtain men for that job. He pointed out that one of the problems with that job was that there was no overtime and most men wished to work only on overtime jobs and, therefore, were not induced to stay at that particular job. Mr. Farrell noted that out-of-town men cannot maintain the economic costs of living in New York City without overtime and therefore the mandatory 8th hour would be an additional incentive to work in New York City.

At this point, in the meeting, the members adjourned for lunch. The meeting was reconvened at 1:30 P.M.

Mr. Rothberg advised the Union that the Employers have considered the proposal concerning a mandatory 8th hour and found it unacceptable. Mr. Rothberg thereupon put the following motion before the members of the Joint Adjustment Board:

> RESOLVED: That Local Union #28 has violated Article III of the Collective Bargaining Agreement in that they have failed to furnish, over the last 2½ months, duly qualified journeymen sheet metal workers in sufficient numbers as are required by Alpine-Brook-Triangle Corp. to properly execute work contracted for at the job known as the World Trade Center.

Mr. Farrell, upon hearing the motion, noted that A-B-T was a unique job and a number of problems might be encountered on that job. The Union thereupon made a request that the motion be tabled for a period of time. The employers thereupon caucused. Upon their return, the employers noted that they could not accept the request to table the motion and wished the motion voted upon. After another reading of the motion, the following votes were recorded:

FOR THE MOTION:

Sheet Metal Contractors Association of New York City, Inc.

AGAINST THE MOTION:

Local Union #28

The Joint Adjustment Board was deadlocked and the meeting was thereupon closed.

Chairman

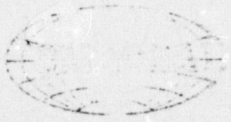
Secretary

Exhibits 97-103

Tabulations on Tests.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Ex. 104



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Recommended for Adoption by:

Joint Apprenticeship
and Training Committee

Representing:

SMWIA Local Union #_____

and

_____

Date_____

Prepared by:

The National Joint Apprenticeship
and Training Committee for the
Sheet Metal Industry

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Purpose:

The National Joint Apprenticeship and Training Committee for the Sheet Metal Industry recognizes the need of Local Joint Apprenticeship and Training Committees for assistance from the national level in complying with the revised Code of Federal Regulation, Title 29, Part 30. As a result, the NJATC has prepared a joint affirmative action program for adoption at the local level.

In analyzing minority participation in existing local sheet metal apprenticeship programs, certain facts become clear:

1. Some, but not enough minority persons apply.
2. Still fewer minority persons complete the application to meet the minimum requirements.
3. On an average, those who are eligible and selected do well in apprenticeship.
4. The solution to the problem lies in better notification to minority groups, closer liaison with responsible groups interested in the same ends, personal contacts, application of follow-up, and other affirmative procedures.

Adoption and application of this program will indicate good faith efforts to increase the number of persons from minority groups who successfully meet the minimum requirements established for admission into a sheet metal industry apprenticeship program.

Scope:

The program herein outlined consists of the following affirmative acts and may be altered and supplemented at a later date as experience indicates and as personnel and costs permit. Any change will be by a majority vote of the NJATC and it will be recommended that it become a part of the affirmative action plan as adopted at the local level.

Recognizing that it would be a public disservice to develop second rate journeymen, the local JATC will maintain its standards of producing high quality craftsmen and will provide extra training when necessary to the extent that cost and personnel will permit.

Utilization Study:

The local JATC shall make, or cause to have made, a study of the minority input into its apprenticeship program. It shall use this information to determine whether any input deficiencies exist and to plan its recruitment program accordingly.

Operation of Recruitment Program:

The local JATC shall:

1. Participate in workshops for school and employer service counselors.
2. Cooperate and counsel with secondary and vocational school administrators concerning needs of the industry and how transition of minority groups from school to sheet metal apprenticeship can best be accomplished.
3. Disseminate information within the industry to acquaint all involved with the goals of the apprenticeship program and to effect cooperation.
4. Continue cooperation with such programs as LEAP and Outreach. It shall also exert effort to inform minority applicants of the detailed procedures for applying for admission into apprenticeship programs and how they should respond.
5. Publicize according to the need, practicality, and financial ability of the local JATC.
6. Attempt to secure public service time on radio and/or television stations commonly identified with the minority community.
7. Adopt other acts deemed necessary by the local JATC to accomplish its purpose.
8. At least 30 days prior to earliest date of acceptance of applications notify the following in writing of the date or dates apolications will be available.
   A. The Bureau of Apprenticeship and Training and/or recognized state apprenticeship agency.
   B. The local superintendent of schools.
   C. All state employment service offices in the training area.
   D. LEAP, Outreach and similar responsible groups.
9. If no LEAP or Outreach program exists, the JATC will attempt, with the cooperation of other trades, to establish an Outreach type program.

Non-Discrimination:

The commitments contained in this affirmative action program are not intended and shall not be used to discriminate in the recruitment, selection, employment and training of apprentices during their apprenticeship because of race, color, religion, national origin, or sex. The sponsor shall take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under applicable law and lawful regulations issued thereunder.

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Ex. 105

APPRENTICESHIP AND TRAINING STANDARDS

FOR

SHEET METAL WORKERS - BLOW PIPE

FORMULATED BY

JOINT APPRENTICESHIP COMMITTEE

REPRESENTING

SHEET METAL WORKERS INTERNATIONAL ASSOCIATION

LOCAL UNION NO. 400

&

THE BLOW PIPE INDUSTRY

NEW YORK CITY AND VICINITY

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1145

FORWARD

Having recognized that there is no substitute for apprenticeship, there is a definite obligation on the part of the present generation of the Sheet Metal Industry to supply the means for young men who will be their successors to obtain training and education to fit them for their responsibilities.

The increased skills and versatility needed today by the Sheet Metal Worker require, as never before, the thorough, all around training and experience provided by apprenticeship as conducted under modern methods. Therefore, the Sheet Metal Workers International Association, Local Union No. 400 and The Blow Pipe Industry, have resolved to establish trade training that will provide apprentices in the Sheet Metal Industry with opportunities to attain the efficiency and versatility for true craftsmanship, that will help immeasurably to raise the level of workmanship for the trade generally and develop the necessary background for good citizenship.

It is the desire of all interested parties to cooperate in the training of apprentices in an effort to assure the apprentice, if he will apply himself to the learning of the trade, the opportunity to become a highly skilled craftsman.

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SECTION I

DEFINITIONS:

(a) "Committee" shall mean the Local Union No. 400, Sheet Metal Workers International Association, and The Blow Pipe Industry.

(b) "Employer" shall mean the firm by whom the Apprentice is employed.

(c) "Union" shall mean Local Union No. 400, Sheet Metal Workers International Association.

(d) "Apprentice" shall mean a young man between the ages of 18 and 26, who has agreed to learn the Sheet Metal (blow pipe) trade.

(e) "Supervisor of Apprentices" shall mean the person designated to perform the duties outlined in these Standards.

(f) "Apprenticeship Agreements" shall mean the written agreement between the Joint Apprenticeship Committee and the person employed as an Apprentice. This Agreement shall conform with the New York State Apprenticeship Council as prescribed by them, and shall be approved by the duly authorized representative of the union.

(g) "Standards of Apprenticeship" shall mean this entire document, including these definitions. The Standards have been developed in accordance with the recommendations of the New York State Apprenticeship Council, and follows as closely as local conditions will permit the national standards for the Sheet Metal Industry, and will be registered with the New York State Apprenticeship Council.

(h) "Coordinator of Apprentices" means the local joint apprenticeship committee's designated person to perform the duties stated in the standards of apprenticeship.

(i) "Registration Agency" shall mean the New York State Apprenticeship Council.

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SECTION II

POLICY:

It shall be the policy of the Employers and the Union that all Apprentices are to be employed in accordance with the terms of these Standards of Apprenticeship.

SECTION III

PRELIMINARY QUALIFICATIONS FOR APPRENTICESHIP:

(a) All applicants shall be between 18 and 26 years of age. (See Appendix A)

(b) Education: Applicants shall be high school graduates or possess a Certificate of Equivalency.

(c) Physical Fitness: Applicants must be physically fit to perform the work of the trade, with due regard to aptitude, attitude and personal characteristics, and be subject to a medical examination prior to being employed.

SECTION IV

SELECTION OF APPRENTICES:

Employer desiring an apprentice shall make application to the Joint Apprenticeship Committee.

All selections of apprentices shall be made on the basis of qualifications alone, and all applicants will be afforded equal opportunity without regard to race, creed, color, national origin, or physical handicaps, "except to the extent that such handicaps affect the applicant's qualifications for the trade."

See Appendix "A" for details on recommended apprentice selection and admission procedures.

SECTION V

RULES GOVERNING APPRENTICES:

(1) All applications for apprentices shall, at all times, be acted upon by the Joint Apprenticeship Committee, and shall be signed by them.

(2) The applicant for apprenticeship shall be between the ages of 18 and 26 years.

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SECTION V (Cont'd)

(3) The Apprentice shall serve an apprenticeship of four (4) years. The apprenticeship term shall be divided into eight (8) terms. A probationary period shall be six months. After completion of the probationary period, the agreement may be cancelled by the local joint committee for causes deemed adequate.

(4) To perform diligently and faithfully the work of the trade and other pertinent duties assigned by the local Joint Apprenticeship Committee and the employer in accordance with the provisions of the standards.

(5) To protect the property of the employer, and abide by the working rules and regulations of the employer, union, and the Joint Apprenticeship Committee.

(6) To attend regularly and complete satisfactorily the required hours of instruction in subjects related to the trade, as provided under these standards. Apprentices failing in this obligation may be suspended or his Apprenticeship Agreement revoked by the Joint Apprenticeship Committee. The employer agrees to carry out said instructions of the Committee in this respect.

(7) To maintain such records of work experience and training received on the job and in related instructions as may be required by the Joint Apprenticeship Committee.

(8) To develop safe working habits and conduct himself in his work in such a manner as to insure his own safety and that of his fellow workers.

(9) To conduct himself at all times in a creditable, ethical and moral manner, realizing that much time, money and effort will be spent in affording him an opportunity to become a skilled craftsman.

(10) Apprentices in temporary employment shall, whenever such employment terminates, report to the Administrator of the Joint Apprenticeship Committee to await further assignment. All intermittent employment shall be recorded by the Executive Officers and due credit given to the Apprentice towards the total of apprenticeship served.

(11) All registered Apprentices shall pay the sum of two (2) dollars per month to be credited for personal supplies such as manuals, drafting equipment, etc.

SECTION V (cont'd)

(12) All Apprentices receive their employment through the Joint Apprenticeship Committee.

(13) At the expiration period or when the Joint Apprenticeship Committee recommends the Apprentice shall be eligible for membership as a journeyman in Local Union #400 and The Blow Pipe Industry.

(14) All Apprentices, during their apprenticeship, shall work under a qualified Journeyman until they have reached the first six (6) months of their 4th year.

SECTION VI

RULES GOVERNING EMPLOYERS

1. Employers shall obtain the services of Apprentices from the Joint Apprenticeship Committee, and in compliance with the Agreements of Local Union No. 400 and the Blow Pipe Industry.

2. The Employer shall provide proper facilities in shop and on the job for the practical training and experience of the Apprentice in all departments and specialties of the trade as conducted by the Employer.

3. Employer may make application for additional apprentices if at the same time he employs additional journeymen. The ratio is one (1) apprentice for four (4) journeymen regularly employed throughout the year.

4. The Employer shall not terminate the services of the Apprentice for any reason except reduction in number of mechanics employed without the consent of the Joint Apprenticeship Committee.

5. The Employer shall pay the Apprentice the rate prescribed by the Union Agreement. The rate period as follows:

Year	Term	%	Per Hour
1st	1st	45%	4.35
	2nd	50%	Effective 4/15/66
2nd	3rd	55%	
	4th	60%	
3rd	5th	65%	
	6th	70%	
4th	7th	75%	
	8th	80%	

Standard Work Week - 40 hours

The ratio is one (1) Apprentice for four (4) Journeymen regularly employed through the year.

It is hereby understood and agreed that nothing contained in these Rules and Regulations Governing Apprentices shall be interpreted, construed or applied in any way that will conflict with the provisions, requirements, purposes and intent of the Constitution of the Sheet Metal Workers International Association, or with the obligations of its members in connection therewith.

SECTION VII

HIRING OF APPRENTICES

Employers desiring an Apprentice shall make application to the Joint Apprenticeship Committee. A probationary period consisting of six months shall prevail. If during this probationary period the employer finds the Apprentice not suitable or unable to learn the trade, he shall notify the Joint Apprenticeship Committee in writing to this effect. The Joint Apprenticeship Committee will then notify the Registration Agency and the indenture will be nullified. Upon completion of the probationary, Rule 4, governing employers as previously outlined, and Rule 3, governing apprentices, shall apply.

SECTION VIII

APPRENTICESHIP AGREEMENT

The copies of every agreement shall be made out, signed and submitted to the Joint Apprenticeship Committee. The Apprentice and Committee each receive a copy. A list of all apprentices, showing the name of apprentice, date of birth, whether or not the apprentice is a veteran, the trade indentured, term of apprenticeship, starting date and credit (if any) he is given for previous experience, which list shall be periodically submitted to the New York State Apprenticeship Council District Office for the purpose of registration.

It shall be fully understood by all parties to these Standards that the signing of the Apprenticeship Agreement is not a guarantee of continuous employment, but will reflect the best endeavors of the Committee to provide continuity of employment.

WORK EXPERIENCE

During the term of apprenticeship, the Sheet Metal Apprentice shall be given instructions and experience in all branches of his trade, including the preparation of materials, as is necessary to develop a practical and skilled mechanic. He shall also be given experience in safety and substitutes that may be installed in the shop or on the job during his term of apprenticeship.

SUGGESTED SCHEDULE OF WORK PROCESSES	APPROX. HRS.
General sheet metal work	2000
Industrial sheet metal work	
(Blowpipe	1000
(Collecting systems	1000
(Dust	1000
(Chemical	1000
Operation of handtools and power machinery	
Handling of substitute materials, such as plastics	500
Specialty installation and specialty work	500
Welding	500
Drafting and Blueprint Reading	500

SECTION X

RELATED SCHOOL INSTRUCTION

a. It is recommended that in addition to the training received on the job, the Apprentice shall attend night school on his own time without compensation for such schooling.

b. In case of failure on the part of any Apprentice to fulfill his obligation as to school attendance, the New York State Apprenticeship Council may suspend or revoke his agreement upon notification of the Joint Apprenticeship Committee.

c. The Joint Apprenticeship Committee of Local Union No. 400 and The Blow Pipe Industry, Sheet Metal Workers International Association offer the following suggestions, subject to approval and correction on the basic training to be given Apprentices of Local Union No. 400 and The Blow Pipe Industry attending a Vocational Training School.

Blueprint Reading, Sketching and Drawing
  fundamentals
Sheet Metal Drawing and Layout
Transferring Pattern Layout
Pattern Drafting
Mathematics
  fundamentals
 Applications to the Trade
 Estimating

RELATED SCHOOL INSTRUCTION (Cont'd)

Safety (16 hours)
Fundamentals (4 hours first year)
Trade Safety (12 hours second year)

Industrial and Labor Relations (20 hours)
History and Background (6 hours first year)
Current Laws and Practices (14 hours second year)

Trade Theory and Practice
Tools, Machines and Equipment
Operations, Care and Maintenance
Materials
Terminology
Theory of Jobs and Processes

Trade Science
History of Sheet Metal Working
Technology of Jobs and Processes
Physical Properties of Materials
Principles of Machine Operation
Technology of Sheet Metal Fabrication
Strength of Materials
Heat Treatment of Metals
Metallurgy
Principles of Welding

Other Related Courses as necessary.

SECTION XI

DUTIES OF JOINT APPRENTICESHIP COMMITTEE

1. It shall be the duty of the Joint Apprenticeship Committee to determine the need for apprentices in the industry and the shop facilities available for the necessary experience on the job.

2. They shall elect a chairman and secretary and shall meet once a month.

3. To see that apprentices are under written agreement.

4. To establish a minimum standards of education and physical fitness required by applicants for apprenticeship.

5. To maintain a record of each Apprentice, showing his experience and progress in learning the trade.

DUTIES OF JOINT APPRENTICESHIP COMMITTEE

6. To determine the quality and quantity of experience on the job which the Apprentice must have, and to be reasonably responsible for his obtaining it.

7. May request the New York State Apprenticeship Council for a Certificate of Completion for each graduate Apprentice.

8. To establish such additional rules and regulations governing the operation of this program as are required.

9. To supervise the enforcement of all the provisions of the standards, and to be responsible, in general, for the successful operation of the standards by performing the duties here listed; by cooperating with public and private agencies which can be of assistance; by obtaining publicity in order to develop the support of the public in apprenticeship; by keeping in constant touch with all parties concerned - Apprentices, Employers, and Journeymen; by employing a full time Coordinator.

   a. Realizing the amount of work involved in supervising this program, the Joint Apprenticeship Committee has appointed a full time Apprenticeship Coordinator to supervise the apprenticeship program. The Coordinator will report all activities to the Joint Apprenticeship Committee.

SECTION XII

COORDINATOR OF APPRENTICESHIP

The Coordinator of Apprenticeship shall be responsible to the local Joint Apprenticeship Committee and assume such duties as may be assigned by the local Committee. In effect, the Coordinator of Apprenticeship acts for and on behalf of the local Joint Apprenticeship Committee during the interim between regular meetings of the local Committee to assure the effectiveness and success of the local program.

SECTION XIII

SUPERVISOR OF APPRENTICES

The Joint Apprenticeship Committee will designate a Journeyman in the shop whose duty it shall be to act as instructor and counselor, to see that the Apprentice is properly instructed in the trade. He may keep records of the Apprentice's progress.

SECTION XIV

APPRENTICE RECORD CARD

A master card of the Apprentice's work experience and the related instructions shall be kept by the Joint Apprenticeship Committee. These records shall be accessible to the interested parties at all times.

SECTION XV

HOURS OF WORK

Apprentices shall work the same hours as the Journeymen in the trade. Apprentices required to work overtime may receive credit on the term of apprenticeship for the actual hours worked.

Apprentices shall not be required to work when classes in Related Instructions are scheduled.

SECTION XVI

ACCIDENT PREVENTION

Apprentices shall receive instruction in accident prevention and safe working habits during their entire term of apprenticeship. Such instruction shall be coordinated with actual work performed on the job and tools and equipment used.

SECTION XVII

PREVIOUS EXPERIENCE

When an Apprentice has had previous experience in the trade the Committee may evaluate such experience and credit a portion thereof towards the completion of the apprenticeship. Such credit granted shall be set forth in the Apprenticeship Agreement.

Apprentices given credit shall be paid the wage rate for the period to which the credit advanced them.

SECTION XVIII

TRANSFER OF APPRENTICES

An employer unable to fulfill his obligation under the Apprenticeship Agreement will notify the Joint Apprenticeship Committee who will then use their best endeavors to transfer the Apprentice to a like program in another establishment. The Registration Agency shall be notified of all such transfers.

SECTION XIX

ADJUSTING DIFFERENCES

In the case of dissatisfaction between the Employer and the Apprentice either party has the right and privilege of appeal to the Joint Apprenticeship Committee for such action and adjustment of such matters as come within these standards. The Joint Apprenticeship Committee may refer to the Registration Agency for consideration any question deemed necessary.

SECTION XX

AMENDMENT TO STANDARDS

Should the need arise, these standards may be revised or amended at any time if the best interests of all parties and the plan of training in the Sheet Metal Industry is concerned. Such amendments shall not alter the Apprenticeship Agreements in effect at the time of such changes without the express consent of all parties to such agreement. The Registration Agency shall be advised of all changes.

SECTION XXI

DUTY OF CONSULTANTS

Consultants to the Joint Apprenticeship Committee should attend meetings upon the request of the Committee on all problems affecting the agencies they represent, and render such assistance as will aid in improving the trade preparation of the Sheet Metal Worker Apprentices.

SECTION XXII

RELATIONSHIP OF STANDARDS TO BARGAINING AGREEMENT

Nothing in these standards shall be interpreted as being contrary to the present or subsequent bargaining agreement. No section of these standards shall be construed as permitting the violation of any law or regulation of the State of New York or of the United States.

SECTION XXIII

OFFICIAL APPROVAL

Before becoming operative these standards must have the official approval of the Apprenticeship Committee and the Registration Agency.

APPROVED

SHEET METAL WORKERS INTERNATIONAL ASSOCIATION

LOCAL UNION 400 and THE BLOW PIPE INDUSTRY

MANAGEMENT

Elliott Bavers
Elliott Bavers
Brooklyn Blower Pipe Corp.

Phillip Isaac
Industrial Sheet Metal Works

Melvin Levine
Aberdeen Blower & Sheet Metal Works Company

Sidney Lachman
Manhattan Blower Corporation

LABOR

Thomas Dirland
Thomas Dirland
Local Union 400, SMWIA

David Lerner
David Lerner
Local Union 400, SMWIA

Frank Sylvester
Frank Sylvester
Local Union 400, SMWIA

Herbert Williams
Herbert Williams
Local Union 400, SMWIA

Apprenticeship Coordinator & Secretary: Thomas J. Carlough, Jr.

Thomas J. Carlough

Approved by and registered with:

New York State Apprenticeship Council

Date _____

APPENDIX "A"

THE JOINT APPRENTICESHIP COMMITTEE

THE BLOW PIPE INDUSTRY

This Joint Apprenticeship Committee pledges that there shall be no discrimination in the employment of apprentices.

Apprentices shall be selected on the basis of qualifications and aptitudes in accordance with (test) procedures set forth below, and without regard to race, creed, color, or national origin.

The parties recognize that shop helpers have been and will continue to be the main source of supply for formal apprenticeship recognition; therefore the participating contractors and Local Union No. 400, Sheet Metal Workers International Association, through this Joint Apprenticeship Committee form a pool from which apprentices are selected under existing and contemplated methods of selection.

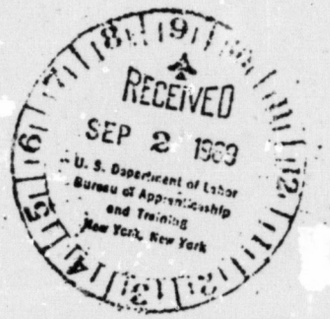
The Joint Apprenticeship Committee further agrees to notify qualified agencies from time to time of procedures of employment, of miscellaneous openings in the field of helpers job openings.

Explanatory Note:

This Joint Apprenticeship Committee has just been established and wishes to concur with the apprenticeship laws in every instance, in order to maintain a registered apprenticeship from this time on.

The conditions that now exist must be dealt with, and the transition will be made with as little confusion as possible.

Therefore, it should be recognized that many of those persons now employed in the capacity of helpers, by some of the firms, have been looking forward to a bona fide apprenticeship, and the Joint Apprenticeship Committee will test and rate them accordingly, to move into bona fide apprenticeship as openings occur.



August 29, 1969

Mr. Thomas J. Carlough, Director
Joint Apprenticeship Council of the
Blowpipe Industry & Sheet Metal
Assn., Local 400
1435 Broadway
New York, New York 10018

Dear Mr. Carlough:

Your selection standards and procedures were amended to show your requirements and evaluation system as per the attached.

Sincerely,

JOHN J. TIERNEY
ADMINISTRATOR OF APPRENTICE TRAINING

by: Robert F. Cassidy SEM
Robert F. Cassidy
Senior Apprentices Training Rep.

cc: Mr. Carlough
56 Shelbourne Lane
New Hyde Park
New York, New York 11040
Mr. McQuade
N.Y.D.O.
File (2)

1159

QUALIFICATIONS AND EVALUATION

Name of Candidate _____ Trade _____

Address _____

(Only those checked apply)

	Maximum Points Allowable	Number Years Credited	Score
EDUCATION TOTAL	25		
☐ _____ points for each year of education past the _____ grade or equivalent as recognized by local school authorities.			
☐ _____ points for each year of technical education past the _____ grade or equivalent as recognized by local school authorities.			
☒ Other: 5 points for every grade from 8 thru 12th.			
EXPERIENCE TOTAL	20		
☐ _____ points for each year of work experience.			
☒ 10 points for each year of military experience.			
☐ Other: Maximum 20			
SENIORITY TOTAL			
☐ _____ points for each year of employment with the sponsoring firm.			
☐ Other: _____			
JOB APTITUDE TOTAL	30		
☒ Measured through test administered by NYSES or other agency designated ~~(Name of Organization)~~ BY JAC will be converted to the 30 point scale on a proportional basis.			
☐ Other: _____			
PERSONAL TRAITS (Evaluated by interview) TOTAL	25		
5 ☒ Personality characteristics important in apprenticeship.			
5 ☒ Ability to communicate.			
5 ☒ Willingness to accept obligation of apprenticeship.			
5 ☒ Ability to reason and comprehend.			
5 ☒ Interest and motivation.			
☐ Other: _____			
☐ Other: _____			
TOTAL ALLOWABLE POINTS	100	TOTAL SCORE	
MINIMUM QUALIFYING SCORE _____		RANK _____	

Evaluated by: _____
Signature

Date _____

Sponsor: _____

1160

NOTICE
of
APPRENTICE TRAINING OPPORTUNITY

Sheet Metal Workers International Association - Local Union #400, located at
(Sponsor)

1435 Broadway, New York, N. Y. 10018
(Address)

is presently accepting applications for an estimated _____ apprentice train-
(No. openings)

ing positions in the occupation of _____.
(Trade)

If you are interested in taking advantage of this training opportunity and meet the following qualifications as checked, you are eligible to apply.

MINIMUM QUALIFICATIONS

Age

☒ Age ____ to ____. Minimum of 18 years of age

Education

☐ Completed ____ grades of school ☐ or equivalent as recognized by local school authorities.

☐ High school diploma ☐ or equivalent as recognized by local school authorities.

☐ Other. _____

Seniority

☐ Be employed at least ____ months as a _____.
(Job Title)

☐ Other. _____

Physical Condition

☒ Be physically able to perform the work required as determined by Union Clinic - no charge to applicant.

☐ Other. _____

Aptitude

☒ Ability to pass aptitude tests administered by the New York State Employment Service. Or by other agencies designated by JAC.

☐ Other. _____

Application forms may be obtained:

_____

_____

_____

All applications must be postmarked no later than _____.

Q What did that mean to you, the fact that the charter said you were a production local?

A It was okay with us. It didn't make any difference. Members are members.

Q What did that mean to you in terms of what kind of work you could do?

A It meant we were restricted strictly to production.

Q As opposed to what else?

A I never gave it a second thought.

Q What kind of work is production work that you were restricted to?

A A repetitive type of work where we have brakes, shears, presses, spot welders and a constant banking of lots of 5,000, 10,000, strictly on an automated production basis where a man gets on the machine like a robot and works eight hours, ten hours, a day, year in and year out. This is what I did for 20 years.

Q When did you first see the charter that you received?

A Who knows.

Q Do you have a copy of it?

A Sure. It is laying right up there.

Q Could you send us a copy of it?

A It is a big thing like this (indicating).

MR. BOGEN: Indicating about two feet.

A They were all present, all in one room.

Q Have any members of Local 400 ever switched from Local 400 to Local 28?

A That's the reason why I don't like them. Going back about three, four years ago, six of my best mechanics took tests, five of them passed and almost broke one of my shops.

Q That's the reason you don't like 28 so much?

A They're all right.

Q Did you do anything to try and keep these fellows in 400 rather than switch them to 28?

A Yes, I went up there and talked to -- like I told them, I said it is true they were going to receive better benefits, more moneys, but my benefits, to my estimation, it would be beneficial to stay in the industry but I wouldn't stand in the way of their progress.

Q By industry you mean stay in blowpipe rather than 28?

A Sure. They were all good men, solid men.

Q Has any representative of 28 ever asked you whether you had any people who would like to switch to 28?

A No.

MR. BOGEN: Off the record.

(Discussion off the record.)

Exhibit 108

Manpower Requisitions, October 28, 1968 through April 21, 1969.

In accordance with the local rule of the Second Circuit Court of Appeals, oversize exhibits will be submitted to the Court at oral argument.

Ex. 109

PANEL HEARING

DATE: July 31, 1970

PLACE: Building Trade Employees Association
711 Third Street
New York, New York

GRIEVANCE: Alpine-Brooke-Triangle Corporation
Member of the Sheet Metal Contractors Association of New York
and
Local Union #28, Sheet Metal Workers International Association

ATTENDANCE:

Local Union #28	Contractors
Mel Farrell, President	John J. Flannery, President
Dan Pasquinucci	Seymour Swerling
Sam Elnick	Nathan Gold
Harry G. Reuckert	Edward Doff

Also in attendance:

Samuel H. Cohen, Attorney — William Rothberg, Secretary

PANELIST: George Dowler --- International Representative
Louis R. Ward --- SMACNA

ISSUE: Alpine-Brooke-Triangle Corporation charges that Local Union #28 has violated Article 3 of the Standard Form of Union Agreement, with Addendum and Regulations.

Specifically: The Union has not furnished at all times, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute the work contracted for by Alpine-Brooke-Triangle Corporation; namely the job known as The World Trade Center.

USA 33s-475
(ED. 4-23-71)

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EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.
109

EXHIBIT 110

Meeting was called to order at 10:15 A.M.

MINUTES: The Joint Adjustment Board minutes of July 16, 1970 were reviewed by all present and all agreed that they were correct with the following additions:

1. The word "complaint" be added behind the name of Mr. Edward Doff and Mr. Seymour Swerling as they appeared on Page 1 of the Minutes.

2. The first sentence of the second paragraph on Page 5 be changed to read:

   Mr. Farrell stated that the Union had used all possible means for obtaining additional manpower and that we must look for other ways to meet the manpower requirements.

TESTIMONY: Mr. Seymour Swerling presented the following facts pertaining to their complaint against Local Union #28.

*Alpine-Brooke-Triangle Corporation (hereafter referred to as A-B-T) was a separate Corporation formed by the three mentioned Companies to perform the Sheet Metal work on the World Trade Center.

*A-B-T Corporation will do all field erection but the fabrication is being sub-contracted to each of the three separate Companies, namely Alpine, Brooke and Triangle.

*The Contract, in excess of Twenty Million Dollars was signed in April, 1968 and the drawings were started at that time.

*Due to the construction difficulties, the Project is presently a year and a half behind schedule.

*Job and weather conditions were such that there was no manpower problem until the middle of April, 1970.

*When Local Union #28 failed to meet the verbal manpower request, A-B-T then sent written requests in accordance with Rule 16 of the Agreement. The first request of June 21, 1970 was for 60 men.

*Today, Friday, July 31, 1970, there are 124 men working at the Job Site of which approximately 15 are non-working.

TESTIMONY:
(continued)

*A-B-T needs 200 men immediately for at least a two year duration on this particular contract and there is the possibility that they will be awarded other contracts on this project.

*Photographs showing the tremendous amount of ductwork fabricated (300 tons) and stored in yards and on the Job Site, were shown to the Panelists.

*Some of the side effects of this manpower shortage are as follows:

Material, because of re-handling, is being damaged.

Re-handling of material reflects additional cost.

The installation is out of proper sequence and this is costly.

Ductwork stored in their yards and shops are hurting other installations of each of the three individual Companies.

Letters have been received threatening back charges because A-B-T Corporation is delaying the progress of the completion of the entire project.

Note: At this point, the back-charges were discussed by all present and it was mutually agreed that their cost could be astronomical.

The three Companies, especially Triangle had to cut back its shop fabrication and has lost shop personnel because of this. They were asked to work at the Job Site on a temporary basis until back log in the shop could be corrected; however, the men did not show up.

There is approximately 4,000 tons of Sheet Meta to be fabricated and presently 20% has been completed.

Presently, they have worked 10,000 hours of overtime on this Project and plan to work Saturday, August 1, in order to forestall a three day Contract Cancellation Notice.

Requests had been made to the Port Authority of New York for overtime. However, even if overtime would be granted, it would not solve the manpower situation.

TESTIMONY:

(continued) Mr. Mel Farrell, President of the Local Union #28, presented the following facts pertaining to their position with regard to the charges that have been filed:

*He wanted it understood that only one Contractor (A-B-T Corporation) was involved and not the entire Sheet Metal Industry of New York.

*The following number of employees and apprentices are working for the three separate Companies which form A-B-T:

Alpine - 189 mechanics - 17 apprentices
Brooke - 266 mechanics - 34 apprentices
Triangle - 281 mechanics -46 apprentices

*The job was being delayed due to the excessive amounts of material being stored on the job. Scaffold could not properly be used.

*He met with Mr. Monte (Port Authority) to discuss the possibility of putting the job on an over-time basis.

*Reviewed in detail, Local Union #28 manpower report since August 4, 1969 to July 24, 1970. (Copy attached)

*Suggested that the entire Industry worked one hour overtime, this would attract mechanics from other areas to work in New York. The one hour overtime would help to defray some of the additional New York living costs.

*Suggested that men be worked on Saturday at the Job Site to help assembly ductwork.

Dan Pasquinucci also offered the following comments with regard to the positions of Local Union #28.

*That their has been approximately 500 different men working on this job site at one time or another and that this job will always be difficul to man unless it is on overtime.

*Other jobs in New York have met the manpower problem by working overtime.

A job on 46th Street is working an hour overtime.
The U. S. Steel Building is working on Saturdays.

TESTIMONY:

(Continued) John Flannery, President of the Sheet Metal Contractors Association of New York, offered the following comments with regard to the manpower situation:

*Since August of 1969, a survey of only 12 Contractors revealed that they have worked a total of 308,724 overtime hours.

*A manpower projection shows that on November 1, 1970, an additional 800 to 900 men will be needed in the New York area.

*Submitted a summary of manpower requests since August 8, 1969.

Nathan Gold summarized A-B-T's position with regard to the charge:

*He pointed out that unless A-B-T receives some immediate help from Local Union #28, they could go bankrupt.

*The 1/2 or 1 hour overtime is not a solution because it only steals men from other jobs.

*His projection was that the Sheet Metal Industry needs 869 men in the next 4 months.

*Mr. Gold also offered the following suggestions to Local Union #28:

That Local Union #28 take in more men. The number to be taken in and the testing procedures to be decided by Local Union #28.

That Local Union #28 start an additional apprentice class. Again, the number to be the perogative of Local Union #28.

That men who had some mechanical skills and could assist in erecting duct, handling material from the storage yards or trucks to the various floors, be given temporary working permits. Also, men who could weld, solder or were familiar with brake operations be given the same type of a temporary permit.

That Local Union #28 "raid" non-union shops.

DECISION: After considerable discussion, the Panelists found that they could not agree; and, therefore, the issue became deadlocked. Each Panelist will submit his own interpretation to his respective National Association.

SIGNED: George Dowler

George Dowler, Panel Member, SMWIA

SIGNED: Louis R Ward

Louis R. Ward, Panel Member, SMACNA

1169

PANELIST'S OPINION

Grievance

Alpine-Brooke-Triangle Corporation

vs

Local Union No. 28 (New York, N. Y.)

It is the opinion of this panelist that Local #28 did not violate Article 111 of the Standard Form of Union Agreement even though the contract does state; "The Union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under the conditions specified in this Agreement."

There is no question that a serious manpower shortage does exist in the New York City area but testimony during the Panel Hearing revealed the following facts which formed my opinion;

(1) During their last contract negotiations which was finalized on August 4, 1969, Local #28 did agree to acquire 150 new apprentices. 167 new apprentices were put to work by Sept. 1, 1969 which is 17 apprentices over the agreed amount.

(2) Under terms of the new agreement, they were obligated to add an additional 100 new journeymen to the journeyman ranks. Local #28 accepted 35 qualified journeymen via transfer cards and also conducted a journeyman's test and qualified an additional 76 new men into the journeyman ranks. This was 11 new journeymen over the agreed upon amount.

(3) On January 1, 1970, an additional 62 apprentices were assigned to work. This number was 12 over the agreed upon amount.

(4) On July 1, 1970, an additional 61 apprentices were assigned to work. This number was 11 over the agreed upon amount.

(5) During the Panel Hearing held on July 31, 1970, Local #28 submitted evidence that they had approximately 500 men from sister locals and affiliated trades working to relieve the manpower shortage.

The existing manpower shortage is a very serious problem and everything possible should be done to relieve this situation. Perhaps the following suggestions would be helpful;

(a) Local #28 step up their efforts in obtaining out of town sheet metal workers.

(b) New York City Contractors send telegrams to affiliated SMACNA Association offices outlining their urgent needs.

(c) A special committee be appointed to research ways to house out of town men.

(d) 4th year apprentices be given the opportunity to take the journeyman's examination. Those that pass to be elevated to journeyman status with all benefits but be required to complete their 4th year of school. Additional apprentices (1st term) be recruited to replace the afore mentioned 4th

year apprentices.

(e) Advertise in the local newspapers and other medias to recruit and test union production sheet metal workers and non-union sheet metal workers for acceptance to membership into Local #28. These tests and standards for journeyman qualifications to be solely the responsibility of Local #28.

SIGNED: George Bowler
George Bowler, Panel Member, SMWIA

PANELIST'S OPINION

EXHIBIT 111

Grievance

Alpine-Brooke-Triangle Corporation
and
Local Union No. 28 (New York, N.Y.)

In my opinion, Local Union No. 28 violated Article III of the Standard Form of Union Agreement because: the contract definitely states --

> THE UNION AGREES TO FURNISH AT ALL TIMES TO THE EMPLOYER, DULY QUALIFIED JOURNEYMEN SHEET METAL WORKERS AND REGISTERED APPRENTICES IN SUFFICIENT NUMBERS AS MAY BE NECESSARY TO PROPERLY EXECUTE WORK CONTRACTED FOR BY THE EMPLOYER & ETC. IN THE MANNER AND UNDER THE CONDITIONS SPECIFIED IN THIS AGREEMENT.

I agree that Local Union No. 28 did try to furnish men; but, again, the contract states -- AGREES TO FURNISH AT ALL TIMES.

Neither Mel Farrell or Dan Pasquinucci, during their testimony before the Local Joint adjustment Board or before the Panel, ever took the position that they did not have to furnish manpower nor did they take the position that manpower was not required. Their only comments were that they could not find men.

Apparently, the manpower shortage in the New York area has always been a matter of concern for the Sheet Metal Contractors Association, because during their last negotiations they insisted on Rule 16 in addition to Article X of the Standard Form of Union Agreement, thinking that these two items would alleviate our manpower problem.

During the discussion of this grievance by the Panelists, it was apparent that there was a serious manpower shortage and I would like to offer the following suggestions to help correct this situation:

1. Local Union No. 28 to send telegrams to ALL LOCAL UNIONS outlining the urgent need for sheet metal journeymen in the New York area and also making reference in these telegrams that there is at least (2) years work on (1) particular job.

2. Similar telegrams to be sent by the Sheet Metal Contractors Association to all SMACNA ASSOCIATION OFFICES.

3. That a special committee be appointed to research

the most economical way to house out-of-town sheet metal journeymen.

4. Direct the Apprenticeship Committee to institute an additional class of 50 apprentices which would begin no later than November 1, 1970.

5. Request that the Sheet Metal Workers International Association send a special representative to the New York area to investigate the non-union activity. Also, this special representative to assist Local Union No. 28 in recruiting and testing these non-union sheet metal workers ---- Union production workers should also be recruited and tested.

6. Third and fourth year apprentices be given special permission during this manpower crisis to do the work of journeymen. It is understood that in no way will this effect their schooling or their rate of pay.

7. The committee immediately advertise in the local newspaper and other means deemed necessary by the committee the need for qualified sheet metal workers and testing to these sheet metal workers to be done in accordance with the General President's letter dated October 6, 1967.

8. Management to have the right to refer men to Local Union No. 28 who they feel could fulfill their present needs. These men would be issued temporary permits of (1) month duration until the above mentioned remedies are effectively working.

SIGNED: Louis R. Ward

Louis R. Ward, Panel Member, SMACNA

Ex. 110

MINUTES OF A MEETING OF THE
JOINT ADJUSTMENT BOARD HELD
THURSDAY, APRIL 15, 1971

A meeting of the LOCAL JOINT ADJUSTMENT BOARD of the SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC. and LOCAL UNION #28, SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, was held at the premises of the BUILDING TRADES EMPLOYERS' ASSOCIATION, 711 Third Avenue, New York, on April 15, 1971 at 11:00 A.M.

In attendance at said meeting were:

John J. Flannery
Edward Doff
William Rothberg
Abe Cohen
Morris Lipka
Norman Burtman
Morton Wolkowitz

they being the Employer Members

USA 33s - 475
(ED. 4-23-71)

PL
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.
110

Mell Farrell
Ed O'Reilly
Gus Pasquinucci
Ed Stack
Carl Fiore
John Kissane
James Rhatigan
Michael Valentine
Sam Elnick
David Ross
Harry Reuckert

they being the Union Members

Also present were:

Samuel Harris Cohen, Esq. Counsel to Local Union #28
Walter Scott Jr. - Executive Director of Sheet Metal Contractors
Nat Gold - Employee Observer
Fred Zwerling - Employee Observer

Mr. John J. Flannery acted as Chairman of the meeting. Mr. Edward O'Reilly acted as Secretary.

The meeting was called at the request of the Sheet Metal Contractors Association of New York City Inc., 44 Court Street, Brooklyn, New York to hear a complaint of the Association against Local Union #28 of the Sheet Metal Workers International Association, 350 Broadway, New York. Annexed hereto and made a part hereof is a copy of the request, dated April 12, 1971 for the convening of the Joint Adjustment Board.

The Chairman, Mr. John J. Flannery, referred to the previous informal discussions of the Joint Adjustment Board on the subject of Manpower and explained that the Association was now requesting a formal meeting to present the complaint that Local Union #28 had failed to carry out its manpower responsibilities under the Collective Bargaining Agreement between the parties. He referred specifically to the following portions of the agreement:

Rule XVI

> When the manpower requests filed with the Manpower Committee, show for two consecutive weeks a need for one hundred or more journeymen sheet metal workers which has not been fulfilled, then the Union, within seven days, shall take all additional steps necessary to meet the manpower requests of the Employer and obtain qualified men.

Article III

> Section 1. The Union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under the conditions specified in this Agreement.

Mr. Flannery noted that in accordance with Rule XVI, the number of men required was substantially in excess of 100 journeymen per week for more than two consecutive weeks.

Mr. Rothberg read a summary of the requests for manpower for the preceding weeks. They were as follows:

Week of March 22, 1971	232
Week of March 29, 1971	169
Week of April 5, 1971	173
Week of April 12, 1971	198

Mr. Rothberg thereupon read a breakdown of the requests for the current week. They were as follows:

Week of April 12, 1971

Atlas	6
Brook	31
General	38

H & K	2
N.Y.	2
[illegible]tional	55
S[illegible]	14
T[illegible]ngle	30
Universal	20
	198

Mr. Flannery noted that there had been full employment in the Sheet Metal Industry in New York City since 1967 and that vacation time was approaching, which would deplete the manpower supply further. A minimum of 400-500 men will be on vacation each week. He pointed out that contractors cannot stretch out work. Work must be performed as per schedule in coordination with the other trades and he asked what reason Local #28 could offer for its inability to comply with the requests made in the weekly reports. He noted that many contractors are working overtime at premium rates of pay and the available labor supply was now stretched to the utmost. Since the situation was bound to become worse rather than improve during the forthcoming months, he asked what the Union intended to do to carry out its responsibilities, "to take all additional steps necessary" to provide manpower as required under our Collective Bargaining Agreement.

Mr. Farrell noted that the request for manpower involved six firms that had failed to make the contributions to the Welfare & Pension Fund for the month of February and that he could not accept the request for 131 men coming from the six firms in question.

He noted that subtracting these 131 men would reduce the total manpower requests to fewer than 100 men and, therefore no steps would be necessary to bring in added manpower. He also noted that the contractors already had 300 or more permit men plus a very high number of apprentices. He reminded the contractors that they should come in "with clean hands" before asking for additional men and noted that he could meet the needs of the remaining contractors by reassigning permit men from the delinquent firms.

Mr. Lipka objected to any discussion dealing with payments to the Funds. A grievance was not filed by the Union and any discussion is irrelevant to the Association's grievance dealing with Manpower.

Considerable discussion ensued as to whether the six firms referred to were in fact delinquent within the meaning of "Addendum A" paragraph 4, which would permit the Union to withdraw journeymen.

Mr. Burtman pointed out that his company was required to work overtime, much of which was not being paid for by the owner. He explained that he was required to do this to keep the manpower he had. This was placing a tremendous financial burden on his company and was not something he had bargained for in the last agreement.

Mr. Zwerling pointed out that the severe shortage of manpower was giving the sheet metal industry a bad reputation in the construction field. He noted he was having legal problems with an owner over inability to man the job and the need to thereby work overtime.

He pointed out that the jobs will not wait for the sheet metal man in that the owner and other trades set the pace. He further noted that many owners have changed designs to keep the amount of sheet metal work to a minimum because of the inability of the Sheet Metal Contractors to man the jobs. One owner had decided to design an office building with through-the-wall units rather than with a central ducted system.

Following a union caucus, Mr. Farrell announced that he would attend a Legislative Conference in Washington, D. C. during the following week. He would determine there what manpower was available from other local unions in any of the adjacent areas and if necessary from other locals further from New York City. He expressed confidence that he would be able to attract the necessary manpower.

However, he proposed that manpower requests should be checked against the Union Funds to determine whether any contractors asking for additional manpower were delinquent. He indicated that he wanted to carry out the Unions manpower responsibilities without setting up stringent rules for contractors. He also wanted the contractors to understand that the Union would screen any men brought in to determine that they are fit and qualified.

Following a contractors caucus, Mr. Flannery observed that meetings had been held with the Union on March 16th, 23rd, April 8th and 15th. We have considered your assurance, he said, but the same assurances were made on the preceding occasions without obtaining sufficient relief. Meanwhile, the manpower shortage is accelerating.

He indicated that it was now necessary for Local Union #28 to detail its efforts to demonstrate that "all necessary steps" will be taken.

Mr. Farrell felt it unnecessary to be specific and insisted that his personal assurance should be acceptable to the association contractors.

Mr. Flannery therefore proposed the following resolution:

> "Local Union #28 has violated Rule XVI of our Collective Bargaining Agreement, in that, although the requests have shown for more than two consecutive weeks a need for more than one hundred Journeymen Sheet Metal Workers, it has failed to take all additional steps necessary to meet the manpower requests

of the Employer and obtain qualified men, and further,

Local Union #28 has violated Article III of our Collective Bargaining Agreement in that, it has failed to furnish at all times to the Employer, duly qualified Journeymen Sheet Metal Workers in sufficient numbers as may be necessary to properly execute work contracted for by the Employer."

Mr. Farrell indicated he would file a counter complaint charging violation of Section 4 of the Addendum "A" and would contemplate selective withdrawal of manpower from delinquent employers.

Following further discussion about the precise meaning of Section 4 of the "Addendum" regarding delinquencies, Mr. Flannery called for a vote on the employer resolution. Employer representatives voted "yes". Local Union representatives voted "no".

Mr. Farrell announced a counter resolution stating that certain employers, as enumerated, had violated "Addendum A", Section 4 and that the Local Union contemplated withdrawal of manpower from said employers.

Mr. Flannery ruled that the counter proposal was out of order.

Mr. Farrell said he would accept the ruling under protest.

Since the vote was deadlocked, the meeting was adjourned.

Minutes prepared by
Walter Scott Jr. 4/16/71

For the Contractors Assn.

Name Signature

For Local Union #28

Name Signature

SHEET METAL CONTRACTORS ASSOCIATION
of New York City, Inc.

44 Court Street
Brooklyn, N. Y. 11201

237-9559

WILLIAM ROTHBERG, Secretary

April 12, 1971

Mr. Mel Farrell
President
Local Union No. 28
350 Broadway
New York City

Dear Mr. Farrell:

The Sheet Metal Contractors Association of New York City, Inc. hereby requests the convening of the Local Joint Adjustment Board as set forth in Article X of our Collective Bargaining Agreement, to hear the complaint of the Association, on behalf of its members, that Local Union No. 28 is violating both Rules XVI and Article III of our Collective Bargaining Agreement.

As per previous discussions, this meeting will be held on Thursday, April 15, 1971 at 10:00 A.M. at the Building Trades Employers Association, 711 Third Avenue, New York.

Very truly yours,

SHEET METAL CONTRACTORS
ASS'N OF NEW YORK CITY, INC.

WR:IP

BY:
William Rothberg

1179

Ex. 111

USA 33s-475
(ED. 4-23-71)

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111

PANEL HEARING

DATE: June 1, 197A

PLACE: Building Trade Employees Association
711 Third Street
New York, New York

GRIEVANCE: Sheet Metal Contractors Association of New York, Inc.
and
Local Union #28 Sheet Metal Workers International Assn.

ATTENDANCE:

Local Union #28	Contractors
Dan Pasquinucci	Fred Zwerling
David Ross	William Rothberg
Harry Reuckert	John J. Flannery
Sam Elnick	Abraham Cohen
Edward Stack	
Edward O'Reilly	
Gus Pasquinucci	
Mel Farrell	

PANELIST: Edward F. Carlough --- SMWIA
Louis R. Ward --- SMACNA

ISSUE: The Sheetmetal Contractors Association of New York Inc. charges that Local Union #28 has violated the following portions of the Agreement:

Rule XVI

When the manpower requests filed with the Manpower Committee, show for two consecutive weeks a need for one hundred or more journeymen sheet metal workers which has not been fulfilled, then the Union, within seven days, shall take all additional steps necessary to meet the manpower requests of the Employer and obtain qualified men.

Article III

Section 1. The Union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under the conditions specified in this Agreement.

1180

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TESTIMONY: Mr. Fred Zwerling, a member of the Manpower Committee presented the following facts pertaining to their complaint against Local Union #28.

*The Manpower Committee started to meet in early March.

*Local Union #28 agreed to meet and review the request.

*An informal Joint Adjustment Board meeting was held, at which time the written requests were submitted as evidence.

*Because the informal Joint Adjustment Board meeting proved to be fruitless, a formal Joint Adjustment Board meeting was held on Thursday, April 15, 1971.

*Submitted the following items as evidence to the seriousness of the manpower shortage: (Copies attached)

Summary of Overtime Hours Worked

Summary of Manpower Requests

Summary of Additional Manpower Requirements

Also submitted was the questionnaire type letter sent out by the Association on April 1, requesting the above mentioned information.

*The manpower situation is especially serious because men will be taking their vacations in the coming months.

Mr. Mel Farrell presented the following facts:

*Overtime is not the issue and furthermore, overtime is expected in the Construction Industry.

*The manpower requirements as submitted by the Contractors are inflated.

*Local Union #28 has done a good job in securing 515 Permit men to work in the New York area.

*It is difficult to get men to come to New York to work because of the Housing situation.

TESTIMONY: (cont'd) Mr. Edward O'Reilly made the following comments with regard to the men who have been issued Permits to work in the New York area:

*At the end of March, there were 265 men working on Permits and as of this morning, there are now 515; 185 of these men were brought in during the month of May.

DECISION: It was mutually agreed by both Panelists that Local Union #28 has tried to aleviate the manpower shortage in the New York City area by granting Permits to 515 men, however, it was also agreed by both Panelists that on the evidence presented, this is an insufficient number of men and, therefore, the Panelists propose the following:

1. That Local Union #28 recruit one hundred additional Permit men immediately.

   Note: Mr. Edward F. Carlough volunteered the services of the International offices to help with this recruiting.

2. That the Panelists keep jurisdiction with regard to the Grievance and that they will meet during the week of June 21 to reevaluate this manpower shortage.

   Note: The Contractors Association is to keep in touch with Panelist, Louis R. Ward on this matter.

3. That the Contractors Association quarantee Local Union #28 that these men, who are now being recruited, be guaranteed work for at least sixty days.

SIGNED: Edward F. Carlough

Edward F. Carlough, SWMIA, Panel Member

SIGNED: Louis R. Ward

Louis R. Ward, SMACNA, Panel Member

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

SUMMARY OF ADDITIONAL MANPOWER REQUIREMENTS

JULY 1, 1971	170
AUGUST 1, 1971	133
SEPTEMBER 1, 1971	25
OCTOBER 1, 1971	28
NOVEMBER 1, 1971	18
DECEMBER 1, 1971	12
JANUARY 1, 1972	8
TOTAL ADDITIONAL MANPOWER REQUIRED	394

NOTE: The following companies are not included:

A - B - T
ALPINE
COLUMBIA
FEDERAL
HARTMAN
LEONARD LIPKA
M & E
HOWARD MARTIN
MUNDER
NEW YORK
ROYAL
SOBEL & KRAUS
SUNA
UNITY

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

SUMMARY OF MANPOWER REQUESTS

WEEK OF:	
MARCH 22, 1971	232
MARCH 29, 1971	169
APRIL 5, 1971	173
APRIL 12, 1971	198
APRIL 19, 1971	274
APRIL 26, 1971	334
MAY 3, 1971	283
MAY 10, 1971	250
MAY 17, 1971	259
MAY 24, 1971	218
JUNE 1, 1971	199

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

OVERTIME HOURS WORKED

1970

January	23363	
February	27251	
March	29505	
April	38550	
May	25657	
June	29422	
July	28289	
August	29149	
September	33084	
October	26694	
November	25073	
December	23773	
TOTAL		339810

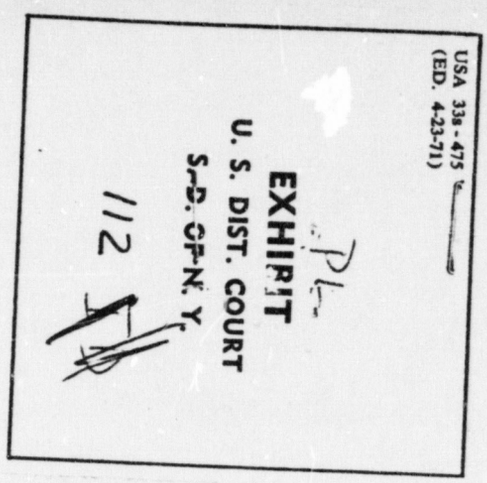
1971

January	21383	
February	22228	
March	30006	
TOTAL		73617

NOTE: The following companies are not included:

A-B-T
ALPIN
COLUMBIA
FEDERAL
HARTMAN
HOWARD LIPKA
M & R
HOWARD MARTIN
MINER
NEW YORK
ROYAL
SCOEL & KRAUS
SUNA
UNITY

Ex. 112



Local Union #28
350 Broadway
New York, New York

RE: Manpower Shortage

In accordance with the decision of the panel hearing, the panelist Edward F. Carlough and Louis R. Ward retained jurisdiction of the above mentioned -- Manpower Problem.

At a special meeting held on Tuesday, June 22, 1971, the panelist reviewed the Sheet Metal Contractors Association Manpower Request of May 24, 1971, June 1, 1971 and June 7, 1971 and make the following decisions:

(1) That Local Union #28 recruit an additional one hundred permit men immediately.

(2) That the panelist retain jurisdiction on this matter and they will again re-evaluate this manpower shortage during the week of July 18, 1971.

(3) That the Sheet Metal Contractors Association guarantee Local Union #28 that these men who are now being recruited be guaranteed work for at least sixty days.

Louis R Ward

Edward F Carlough

cc: Sheet Metal Contractors Association
420 Lexington Avenue
New York, New York 10017

1186

Ex. 113

SHEET METAL AND AIR CONDITIONING CONTRACTORS
NATIONAL ASSOCIATION / *New York City Chapter, Inc.*

SMACNA

WILLIAM ROTHBERG, *Executive Director*

August 9, 1972

To: All Members

Gentlemen:

On June 12, 1972, a Panel Hearing was held at the request of the Association in connection with Local 28's failure to renew permits.

The Association prevailed, and enclosed herewith, please find, is a copy of the decision.

Very truly yours,

William Rothberg

WR/bk
Enc.

1187

420 LEXINGTON AVENUE • NEW YORK, NEW YORK 10017 • (212) 532-2406

PANEL HEARING

DATE: June 12, 1972

PLACE: Sheet Metal Contractors Association of New York, Inc.
Third Street
New York, New York

GRIEVANCE: Sheet Metal Contractors Association of New York, Inc.
vs.
Local Union #28 Sheet Metal Workers International Assn.

ATTENDANCE:

Local Union #28	Contractors
Sam Elnick	John J. Flannery
Edward Stack	William Rothberg
Gus Pasquinucci	Norman Burtman
Dave Ross	Marvin Lipkas
Samuel Cohen	

PANELIST: Edward F. Carlough --- SMWIA
Louis R. Ward --- SMACNA

ISSUE: On June 1, 1971, a Panel Hearing was held regarding the Manpower Situation and it was decided that:

1. Local Union #28 recruit one hundred additional Permit men immediately

2. That the Panelist keep jurisdiction with regard to the Grievance and that they will meet during the week of June 21 to reevaluate this Manpower Shortage.

3. That the Contractors Association guarantee Local Union #28 that these men, who are now being recruited, be guaranteed work for at least sixty (60) days.

The Sheet Metal Contractors Association of New York, Inc. requested a Panel Hearing which was originally scheduled for Wednesday, May 31 and had been postponed to this date by mutual agreement of both Panelist.

1. The Sheet Metal Contractors Association of New York, Inc. charges that Local Union #28 violated the June 1, 1971 (above Panel decision) by not renewing the Permits of Out of Town Journeymen as they were expiring.

ISSUE: 2. The Sheet Metal Contractors Association of New York, Inc. charges that Local Union #28 has violated Rule XVI of the Collective Bargaining Agreement, in that, although the requests have shown for more than two consecutive weeks a need for more than one hundred Journeymen Sheet Metal Workers, they have failed to take all additional steps necessary to meet the manpower requests of the Employer and obtain qualified men.

DECISION: It was a unanimous decision of both Panelists that Local Union #28 was in violation and that they immediately start renewing the Permits of Out of Town Journeymen.

SIGNED: Edward Carlough

Edward F. Carlough, SMWIA

SIGNED:

Louis R. Ward, SMACNA

Ex. 114

SHEET METAL CONTRACTORS ASSOCIATION
of New York City, Inc.

44 Court Street
Brooklyn, N. Y. 11201

WILLIAM ROTHBERG, Secretary

237-9559

August 20, 1971

Honorable Mayor John V. Lindsay
City Hall
New York, N. Y. 10007

Re: New York Plan

Your Honor:

I write as secretary and counsel to the Sheet Metal Contractors Association of New York City, Inc. Our association represents all of the major contractors in the sheet metal, ventilating and air conditioning business in the five boroughs, and our members perform most of the sheet metal work required by the City of New York.

There has been much confusion, of late, as to the position of our association in connection with the New York Plan dealing with trainees in the construction industry. This matter was fully discussed at a monthly association meeting held on March 8, 1971 and the Association position was adopted at that time. The minutes of that meeting set forth this policy statement:

> "After considerable discussion, the membership agreed that the association should take the position that its members would abide by the New York Plan and would pledge all resources, legal and financial, to support member contractors in meeting compliance requirements".

In accordance with this resolution, to the best of my knowledge, no sheet metal contractor, who is a member of our association, has qualified his bid or refused to accept

any contract for the reason that it had a training requirement in accordance with the New York Plan. The Association has no objections to any specifications which set forth a training program as established under the New York Plan and agrees to cooperate to the best of its abilities to implement such programs.

I trust this clarifies the position of the Sheet Metal Contractor and if any further information or clarification is required, I shall be pleased to accommodate.

Very truly yours,

William Rothberg

rr

bc: Mr. James McNamara
Manpower and Career
Development Agency
220 Church Street
New York, N. Y. 10013

Mr. Hugh McLaren, Jr.
Board of Education
Office of School Buildings
28-11 Bridge Plaza North
Long Island City, N. Y. 11101

SHEET METAL CONTRACTORS ASSOCIATION
of New York City, Inc.

44 Court Street
Brooklyn, N. Y. 11201

TRiangle 5-1250

WILLIAM ROTHBERG, Secretary

September 27, 1971

Chancelor Harvey B. Scribner
Board of Education, City of New York
110 Livingston Street
Brooklyn, N. Y.

COPY

Re: New York Plan

Dear Sir:

I write as secretary and counsel to the Sheet Metal Contractors Association of New York City, Inc. Our association represents all of the major contractors in the sheet metal, ventilating and air conditioning business in the five boroughs, and our members perform most of the sheet metal work required by the Board of Education, City of New York.

There has been much confusion, of late, as to the position of our association in connection with the New York Plan dealing with trainees in the construction industry. This matter was fully discussed at a monthly association meeting held on March 8, 1971 and the Association position was adopted at that time. The minutes of that meeting set forth this policy statement:

> "After considerable discussion, the membership agreed that the association should take the position that its members would abide by the New York Plan and would pledge all resources, legal and financial, to support member contractors in meeting compliance requirements".

In accordance with this resolution, to the best of my knowledge, no sheet metal contractor, who is a member of our association, has qualified his bid or refused to accept

1192

any contract for the reason that it had a training requirement in accordance with the New York Plan. The Association has no objections to any specifications which set forth a training program as established under the New York Plan and agrees to cooperate to the best of its abilities to implement such programs.

I trust this clarifies the position of the Sheet Metal Contractor and if any further information or clarification is required, I shall be pleased to accommodate.

Very truly yours,

William Rothberg

rr

cc: Mr. Richard Smith
Office of Contract Compliance
Board of Education, City of New York
110 Livingston Street
Brooklyn, N. Y.

Ex. 116

The City of New York

OFFICE OF THE MAYOR
Office of Administration
250 BROADWAY, NEW YORK, N.Y. 10007
Telephone: 566-6761

OFFICE OF CONTRACT COMPLIANCE
James D. Norton, Director

September 27, 1971

Dr. Harvey Scribner, Chancellor
Board of Education
110 Livingston Street
Brooklyn, New York 11201

Dear Dr. Scribner:

Allow me to first thank you for the cooperation extended by the Board of Education during the construction freeze recently ended by Mayor Lindsay. As you no doubt are aware, it was necessary to hold-up our entire construction program because of the initial recalcitrance of four building trades unions to participate in either the New York Plan, or an acceptable program separate and apart from the New York Plan.

The problem now is how sheetmetal contractors are to be handled. The Sheetmeetal Contractors Association has committed its members to participate in the New York Plan. That is, members of the Association will accept trainees referred by the Manpower and Career Development Agency to construction sites. It is suggested that as long as the Board of Education obtains in writing from the heating and ventilating prime contractor or his subcontractor (sheetmetal) their agreement to accept the trainee (s), contracts should be awarded. It should also be understood that all contractors must still submit "manning tables" indicating their projected total workforce and the number of minority group workers expected to be employed.

I hope this clarifies any possible confusion that may exist regarding the City's position on this matter. If you or any members of your staff have additional questions,

please contact me at 566-6745/6761.

Very truly yours,

James D. Norton, Director
Contract Compliance

JDN/ww
cc: Richard Smith,
Contract Compliance Officer
Board of Education
Hugh McLaren,
Executive Director
Office of School Buildings
Board of Education

RECEIVED
SEP 30 1971 A.M P.M
BOARD OF EDUCATION
Contract Compliance Office

B. N.Y. Plan - Comment

Ex. 117

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

January 18, 1973

The Honorable James D. Hodgson
Secretary
Department of Labor
Washington, D.C. 20210

Dear Secretary Hodgson:

This is to provide you with formal notice that, effective January 15, 1973, the City of New York has withdrawn from the New York plan for training. You will recall that the plan was based upon an agreement signed December 10, 1970, by the City, the State of New York, and the Board of Urban Affairs of the New York Building and Construction Industry. Despite the most intense effort to implement the complicated structure of the Plan, it is our regretful but firm conclusion that we must find more effective ways to correct the severe under-representation of minority groups in the building trades of this City.

The objective of the New York Plan remains critical. The absence of minority workers in the building trades is a glaring inequity which continues to contribute to the kind of tensions and instability that now threatens all major urban areas.

When compared with performance in many other cities, our placement of 537 trainees during the 18 months since the plan went into effect is a record which compares favorably with those achieved elsewhere. Nevertheless, this performance was little more than half the number of trainees contemplated by the Plan agreement and the additional objectives set with the plumbers and electricians. Clearly, the City of New York cannot accept this level of achievement.

1196

I am now convinced that no acceptable performance level can be achieved under the current New York Plan structure. The recent experience of your own regional representative in attempting to negotiate improvements in the Plan, though less sweeping than the changes we would prepare, suggests that there is no way of meeting our minimum goals, which include acceleration of the acceptance of minority workers as journeymen, within any hometown plan structure. In this regard, I concur in the recent finding of the New York Committee of the United States Commission on Civil Rights that the voluntary hometown plan approach is not the viable solution for New York.

I have determined, therefore, to request measures which will establish and enforce greater minority representation in the building trades from each of the three levels of government which sponsor extensive construction in New York City.

With respect to the Federal government, I hereby request that the Department of Labor impose, for all federally-assisted construction contracts in New York City, goals and timetables for minority manpower utilization of the type provided in the Department of Labor directive of February 24, 1972, in the section dealing with Part II Bid Conditions. If it is appropriate for the relevant City officials to work with you in developing these goals and timetables, we will be more than happy to do so.

You should also know that I will soon request the State and City Legislative bodies to enact strict standards with respect to their construction projects. It is my hope that all levels of government can work together to produce a coherent, enforceable package of regulations which will meet the objective we all seek.

The New York Plan formerly expired on July 1, 1972, and has not been renewed. The City has continued to operate as though it were in force pending settlement of the prolonged construction strike we have suffered since last June, and the outcome of our efforts to negotiate a satisfactory alternative to the current Plan

With this formal withdrawal, there is no comprehensive approach to minority employment in force in this field. It is thus a matter of great urgency that Federal, State and local officials develop measures and put new standards into effect at the earliest possible time. I trust that the Department of Labor will move forward on this matter with this sense of urgency in mind. Please let me know what constructive role the City can play in your deliberations.

Sincerely,

John V. Lindsay
M A Y O R

cc: Hon. Nelson A. Rockefeller
Mr. Thomas J. Broidrick

Ex. 125

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D.C. 20506

January 10, 1975

IN REPLY REFER TO:

Mr. Lewis Corsi
Assistant U.S. Attorney
U. S. Courthouse
Foley Square
New York, New York 10007

Dear Mr. Corsi:

This is in response to a telephone request of January 9 from Ms Susan Shapiro of your office.

We are enclosing a copy of the Local Union Report EEO-3 filed by Operating Engineers Local 295, New York, New York, in the year 1972. We have overlined, in red, all marks made on the form by our processor.

If you have any questions concerning these data, please do not hesitate to contact us.

Sincerely,

Valentina J. Jackson

(Ms.) Valentina J. Jackson
Chief, Technical Information Division
Office of Research

Enclosures

Ex. 126

OVB No. 124-R0005
Approval Expires Sept. 1974

It is unlawful to make public this or other EEO-2 or EEO-3 information in a manner that identifies an individual union or apprenticeship program or to reveal summary figures for less than three organizations.

Use Part B below for changes in name and/or address. Do Not remove or change this label.

057476 21.031.0506
OPERATING ENGINEERS
LOCAL 00295
1469 FLATBUSH AVE
NEW YORK NY 11210

1972

EQUAL EMPLOYMENT OPPORTUNITY LOCAL UNION REPORT EEO–3

Complete this copy and mail to:
Union Reporting Program–EEOC
Benjamin Franklin Station
P.O. Box 14267
Washington, D.C. 20044

Part A. LOCAL UNIONS REQUIRED TO FILE

1. Approximately how many members does the local union have?

107 members

If the local union has at all times since last December 31, had less than 100 members, fill in Parts A, B, and F, and return the form to Union Reporting Program at the above address, so that you will not receive additional correspondence with respect to this form.

If the local union has had 100 members or more at any time since last December 31, complete the rest of the form as instructed.

NOTE.—A labor organization is deemed to be a local union if it performs, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated.

Part B. LOCAL UNION IDENTIFICATION

1. Full name of local union for which this report is filed. (Include local number, if any.)

LOCAL 294 - 294 C.
INT'L. UNION OF OPERATING ENGINEERS

2. Mailing address.

a. Where official mail should be sent to the union.

1469 FLATBUSH AVE
Number and street

N Y
City

KINGS
County

N. Y
State

11210
ZIP Code

b. Union office, if different from 2a.

Number and street

City

County

State ZIP Code

3. Indicate type of local union report by a check in applicable box:

☑ Report filed by local union in its own behalf
☐ Other (explain)

4a. Are you affiliated with or chartered by a national or international union or national federation? Yes ☑ No ☐

b. If "Yes" to item 4a, give name and address of such national or international organization.

Int'l Union of Operating Engineers 0506

5. Are you affiliated with the AFL–CIO? Yes ☑ No ☐

e59—16—S0194-5

(Instructions For Filing May Be Found In The Back Pages Of This Booklet)

1200

Part C. LOCAL UNION PRACTICES

1. To the best of your knowledge, does your membership include any:

	Yes	No
a. Negroes?	☑	☐
b. Spanish Surnamed Americans (Mexican Americans, Puerto Ricans, etc.)?	☑	☐
c. Women?	☑	☐

2. If "No" to any of Items 1a, 1b, or 1c, is this because the group or groups not represented: (Check All Applicable Boxes)

	Negroes (1a)	Spanish Surnamed Americans (1b)	Women (1c)
a. Are not in the local community?			
b. Are not in the bargaining unit?			
c. Are excluded by provision in constitution or bylaws?			
d. Have not applied for membership?			
e. Have applied, but did not have a sponsor?			
f. Have applied, but did not meet qualifications other than sponsorship?			

g. Other reason(s) (Explain) _____

3. To the best of your knowledge, has your international union chartered a separate local within the same work and or area jurisdiction which consists only of

	Yes	No
a. Persons of the same race or color?	☐	☑
b. Persons of the same sex?	☐	☑

Part D. REQUIREMENTS FOR FILING SCHEDULE I

1. Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:

	Yes	No
a. Operate a hiring hall or hiring office?	☐	☑
b. Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?	☑	☐
c. Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?	☐	☑

2. You are required to file Schedule I:

If the answer is "Yes" to any of the three questions in item 1 but,

(See item 12 of instructions explaining who must file Schedule I.)

If the answer is "No" to all three questions, the local union is considered to be a "Non-Referral Union," should check this box ☐ and complete only Parts A through F.

(See definition of "Referral Union" in Section 4 of the general instructions.)

Part E. REMARKS

It is unlawful to make public this or other EEO-2 or EEO-3 information [illegible] individual union or [illegible], or to reveal summary figures for less than three organizations.

Part F. IDENTIFICATION AND SIGNATURE

To the best of my knowledge and belief, the information contained in this report and the attached Schedule I is true and complete. It is further certified that to the extent any data in Schedule I, Items 2 or 3, are based on self-identification by individuals this information was gathered only after they were advised of its confidential nature and purposes.

1. Type or print name, title, work address, and telephone number of designated representative

Name CASPER VALENTI

Title PRESIDENT

Work address 1469 EAST 80TH AVE BKLYN 11210 NY

Telephone number (including area code) 212 GE 4-2710

2. Signature of designated representative Casper Valenti

3. Date 12/27/72

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both." Title 18, Section 1001, United States Code.

659—10—80191

...Expires Sept. 1974

1972

SCHEDULE I—REFERRAL UNION INFORMATION
LOCAL UNION REPORT EEO–3

TO BE ANSWERED BY "REFERRAL UNIONS" ONLY

This schedule must be filled out by all local unions which answer "Yes" to any one of the three questions in Part D, Item 1 of Report LEO–3.

1. Name, local number, and address of union as shown in Part B, Items 1 and 2 of Report LEO–3.

INT'L UNION OF OPERATING ENGINEERS LOCAL 235-2,3C-

1465 FLATBUSH AVE. BKLYN N.Y. 11210 | Control (LM) Number 015171414716

2. Method of Identification

How was information as to race, national origin, and sex in Item 3 below obtained?

This information may be obtained by visual survey, from records made after employment, from personal knowledge or by self-identification. The self-identification method may be used subject to the conditions set forth in the instructions. No State law prohibiting the self-identification method applies, since the Equal Employment Opportunity Commission's regulations supersede such laws.

	Check applicable box(es)
a. Existing Record	/
b. Visual Survey	✓
c. Tally from Personal Knowledge	/
d. Self-Identification	
e. Other (specify)	

3. Statistics

a. Membership

Membership in Referral Bargaining Units Only

(1) All Members		(2) Minority Group Members		
			Male	Female
TOTAL	√67	Negro	50	15
Male	~~447~~ 448	Spanish Surnamed American	1 00	40
Female	√9	Oriental	0	0
		American Indian	0	0

b. Referrals

Referrals During 2 Month Period

(1) All Referrals		(2) Minority Group Referrals		
			Male	Female
TOTAL	~~38~~ 38	Negro	30	5
Male	~~35~~ 35	Spanish Surnamed American	1 √	0
Female	3	Oriental	0	0
		American Indian	0	0

35

(3) Period used for Referral Data (you should obtain the figures on referrals during any 2-month period between August 1 and November 30) 35 8 43 (Dates) 9/1/72 - 11/30/72 092

c. Applicants

To the best of your knowledge, enter below the number of Applicants for Membership and for Referral.

(1) Applicants for Union Membership for the Past Year		(2) Applicants for Job Referral during 2-month period	
All Applicants →	√0	All Applicants →	40
Minorities		*Minorities*	
Negro	31	Negro	15
Spanish Surnamed American	1 √	Spanish Surnamed American	17
Oriental	0	Oriental	0
American Indian	0	American Indian	0

It is unlawful to make public ... EEO-3 information to any ... vidual union or apprenticeship program, or to reveal summary figures for less than three organizations. 650—10-070194-6

202

Budget Bureau No. 124–R0005
Approval Expires Sept. 1970

Ex. 126
EEOC
Report

057476 21.031.0506.
INTL UNION OPERATING ENGINEERS
LOCAL 00295
1469 FLATBUSH AVE
BROOKLYN NY 11210

EQUAL EMPLOYMENT OPPORTUNITY
LOCAL UNION REPORT EEO–3

Complete this copy and mail to:
Union Reporting Program
Benjamin Franklin Station
P.O. Box 14267
Washington, D.C. 20044

Did you file a report for 1968? YES ☒ NO ☐

Part A. LOCAL UNIONS REQUIRED TO FILE

1. Approximately how many members does the local union have?

518 members

If the local union has at all times since last December 31, had less than 100 members, fill in Parts A, B, and G, and return the form to Union Reporting Program at the above address, so that you will not receive additional correspondence with respect to this form.

If the local union has had 100 members or more at any time since last December 31, complete the rest of the form as instructed.

NOTE.—A labor organization is deemed to be a local union if it performs, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated.

Part B. LOCAL UNION IDENTIFICATION

1. Full name of local union for which this report is filed. (Include local number, if any.)

LOCAL 295-295C
INT'L. UNION OF OPERATING ENG.

2. Mailing address.

a. Where official mail should be sent to the union.

1469 FLATBUSH AVE.
Number and street
BROOKLYN
City
NEW YORK 031
County
~~NEW YORK~~ NY 21
State
11210
ZIP Code

b. Union office, if different from 2a.

Number and street
City
County
State ZIP Code

3. Indicate type of local union report by a check in applicable box:

☒ Report filed by local union in its own behalf
☐ Other (explain)

4a. Are you affiliated with or chartered by a national or international union or national federation? Yes ☒ No ☐

b. If "Yes" to item 4a, give name and address of such national or international organization.

0596
INT'L UNION OF OPERATING ENGINEERS

5. Are you affiliated with the AFL–CIO? Yes ☒ No ☐

CSS—16—80104-2

1203

Part C. LOCAL UNION PRACTICES

1. To the best of your knowledge, does your membership include any:

	Yes	No
a. Negroes?	☒	☐
b. Spanish Surnamed Americans (Mexican Americans, Puerto Ricans, etc.)?	☐	☒
c. Women?	☒	☐

2. If "No" to any of items 1a, 1b, or 1c, is this because the group or groups not represented:

(Check All Applicable Boxes)

	Negroes (1a)	Spanish Surnamed Americans (1b)	Women (1c)
a. Are not in the local community?			
b. Are not in the bargaining unit?			
c. Are excluded by provision in constitution or bylaws?			
d. Have not applied for membership?			
e. Have applied, but did not have a sponsor?			
f. Have applied, but did not meet qualifications other than sponsorship?			

g. Other reason(s) (Explain) _____

3. To the best of your knowledge, has your international union chartered a separate local within the same work and/or area jurisdiction which consists only of

	Yes	No
a. Persons of the same race or color?	☐	☒
b. Persons of the same sex?	☐	☒

Part D. REQUIREMENTS FOR FILING SCHEDULES I OR II

1. Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:

	Yes	No
a. Operate a hiring hall or hiring office?	☐	☒
b. Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?	☒	☐
c. Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?	☐	☒

2. You are required to file one Schedule.
Check which Schedule you are filing:

If the answer is "Yes" to *any of the three questions in Item 1* the local union is considered to be a "Referral Union" and should fill out and attach SCHEDULE I. ☐

If the answer is *"No" to all three questions*, the local union is considered to be a "Non-Referral Union" and should fill out and attach SCHEDULE II. ☐

(See definition of "Referral Union" in Section 4 of the general instructions.)

Part E. APPRENTICESHIP PROGRAM

Does your organization operate a unilateral apprenticeship program independently of any employer or joint labor-management program? Yes ☐ No ☒

If "Yes," you must complete the attached Apprenticeship Report.

Part F. REMARKS

Part G. IDENTIFICATION AND SIGNATURE

To the best of my knowledge and belief, the information contained in this report and the attached Schedule I or II is true and complete. It is further certified that to the extent any data in Schedule I, Items 2, 3, or 4, or in the Apprenticeship Report, are based on self-identification by individuals this information was gathered only after they were advised of its confidential nature and purposes.

1. Type or print name, title, work address, and telephone number of designated representative

Name GASPER VALENTI

Title PRESIDENT

Work address 1469 FLATBUSH AVE. BROOKLYN, N. Y.

Telephone number (including area code) 212 GE. 4-2710

2. Signature of designated representative: Gasper Valenti

3. Date: NOVEMBER 19, 1969

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both." Title 18, Section 1001, United States Code.

c59—16—80194-2

1204

Budget Bureau No. 124–R0005
Approval Expires Sept. 1970

SCHEDULE I—REFERRAL UNION INFORMATION

(See Reverse Side For Schedule II) →

LOCAL UNION REPORT EEO–3

TO BE ANSWERED BY "REFERRAL UNIONS" ONLY

This schedule must be filled out by all local unions which answer "Yes" to any one of the three questions in Part D, Item 1 of Report EEO–3.

1. Name, local number, and address of union as shown in Part B, Items 1 and 2 of Report EEO–3.

INT'L. UNION OF OPERATING ENGINEERS LOCAL 295-295C

1469 FLATBUSH AVE. BKLYN 11210, N. Y.

Control Number 0151214716

2. Method of Identification

How was information as to race, national origin, and sex in Item 3 below obtained?

This information may be obtained by visual survey, from records made after employment, from personal knowledge or by self-identification. The self-identification method may be used subject to the conditions set forth in the instructions. No State law prohibiting the self-identification method applies, since the Equal Employment Opportunity Commission's regulations supersede such laws.

	Check applicable box(es)
a. Existing Record	
b. Visual Survey	
c. Tally from Personal Knowledge	
d. Self-Identification	✓
e. Other (specify)	

3. Statistics

a. Membership

Membership in Referral Bargaining Units Only

(1) All Members		(2) Minority Group Members		
			Male	Female
TOTAL	518	Negro	100	30
Male	478	Spanish Surnamed American	130	8
Female	40	Oriental	2	0
		American Indian	0	0

b. Referrals

Referrals During 2-Month Period

(1) All Referrals		(2) Minority Group Referrals		
			Male	Female
TOTAL	55	Negro	30	2
Male	50	Spanish Surnamed American	18	2
Female	5	Oriental	0	0
		American Indian	0	0

(3) Period used for Referral Data (you should obtain the figures on referrals during any 2-month period between August 1 and November 30)

(Dates) 8/1/69 – 11/1/69 119

c. Applicants

To the best of your knowledge, enter below the number of Applicants for Membership and for Referral.

(1) Applicants for Union Membership for the Past Year		(2) Applicants for Job Referral during 2-month period	
All Applicants →	75	All Applicants →	75
Minorities		*Minorities*	
Negroes	50	Negroes	52
Spanish Surnamed Americans	20	Spanish Surnamed Americans	23
Orientals	0	Orientals	0
American Indians	0	American Indians	0

1205

Budget Bureau No. 124–R0005
Approval Expires Sept. 1970

SCHEDULE II—NON-REFERRAL UNION INFORMATION
LOCAL UNION REPORT EEO–3

This schedule must be filled out by all local unions which answered "No" to *all* of the three questions in Part B, Item 1 of Report EEO–3.

1. Name, local number, and address of union as shown in Part B, Items 1 and 2 of Report EEO–3. _____

Control Number → | | | | | | |

2. Do any of your organization's collective bargaining agreements contain specific written provisions calling for the separate classification of particular jobs on the basis of:

	Yes	No
a. Race or color?	☐	☐
b. Sex?	☐	☐

3. Do any of your organization's collective bargaining agreements contain specific written provisions calling for separate seniority lines on the basis of race, color, or sex in:

(Check all applicable boxes)

	Race or color	Sex
a. Plant or office?	☐	☐
b. Department or work unit?	☐	☐
c. Job classification?	☐	☐

The Equal Employment Opportunity Commission encourages positive steps to promote equal employment opportunity. Items 4 and 5 are examples of such positive steps.

4. *Has your union since filing its last EEO–3 Report, or if none was filed, since July 2, 1965, taken steps to:*

Renegotiate the seniority or other provisions of any collective bargaining agreements to assure equal employment opportunity for all persons regardless of race, color, or sex?

If "Yes," Yes ☐ No ☐

a. Give approximate dates. _____

b. Did the amendments cover:

(Check all applicable boxes)

	Race or Color	Sex
(1) Job classification?	☐	☐
(2) Promotion and transfer?	☐	☐
(3) Layoff and recall?	☐	☐
(4) Fringe benefits, including pension plans, medical benefits, etc.?	☐	☐
(5) Other (Explain) _____	☐	☐

If Item 4 is not applicable, check here ☐

Explain _____

5. *Has your union since filing its last EEO–3 Report, or if none was filed, since July 2, 1965, taken steps to:*

Include in collective bargaining agreements a clause prohibiting discrimination on the basis of race, color, religion, sex, or national origin?

Yes ☐ No ☐

If "Yes," give approximate dates. _____

If Item 5 is not applicable, check here ☐

Explain _____

6. You may explain here any other activities designed to promote equal opportunity such as adoption of constitutional provisions prohibiting discrimination, establishment of civil rights committees, or fair employment practices committees, etc. _____

Approval Expires Sept. 1969

Ex. 127
EEOC Report
(3)

3

057476 21 031 0506
OPERATING ENGINEERS
LOCAL # 00295
1469 FLATBUSH
BROOKLYN, NY 11210

LOCAL UNION EQUAL EMPLOYMENT OPPORTUNITY REPORT EEO–3

Complete this copy and mail to:
Union Reporting Program
Benjamin Franklin Station
P.O. Box 14267
Washington, D.C. 20044

Part A. LOCAL UNIONS REQUIRED TO FILE

1. Approximately how many members does the local union have?

498 members

If the local union has at all times since last December 31, had less than 100 members, fill in Parts A, B, and G, and return the form to Union Reporting Program at the above address, so that you will not receive additional correspondence with respect to this form.

If the local union has had 100 members or more at any time since last December 31, complete the rest of the form as instructed.

NOTE.—A labor organization is deemed to be a local union if it performs, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated.

Part B. LOCAL UNION IDENTIFICATION

1. Full name of local union for which this report is filed. (Include local number, if any.)

Int'l Union of Operating Engineers
Local 295-295 C

2. Mailing address.

a. Where official mail should be sent to the union.

1469 Flatbush Ave
Number and street
Brooklyn
City
Kings 031
County
New York 21
State
11210
ZIP Code

b. Union office, if different from 2a.

Number and street
City
County
State ZIP Code

3. Indicate type of local union report by a check in applicable box:

☑ Report filed by local union in its own behalf
☐ Other (explain)

4a. Are you affiliated with or chartered by a national or international union or national federation? Yes ☑ No ☐

b. If "Yes" to item 4a, give name and address of such national or international organization.

Int'l Union of Operating Engineers
E. 0546

5. Are you affiliated with the AFL-CIO? Yes ☑ No ☐

c59—16—80194—1

1207

Part C. LOCAL UNION PRACTICES

1. To the best of your knowledge, does your membership include any:

	Yes	No
a. Negroes?	☑	☐
b. Spanish Surnamed Americans (Mexican Americans, Puerto Ricans, etc.)?	☑	☐
c. Women?	☑	☐

2. If "No" to any of Items 1a, 1b, or 1c, is this because the group or groups not represented:

(Check All Applicable Boxes)

	Negroes (1a)	Spanish Surnamed Americans (1b)	Women (1c)	
a. Are not in the local community?				9
b. Are not in the bargaining unit?				9
c. Are excluded by provision in constitution or bylaws?				9
d. Have not applied for membership?				9
e. Have applied, but did not have a sponsor?				9
f. Have applied, but did not meet qualifications other than sponsorship?				9

g. Other reason(s) (Explain) _____ 9

3. To the best of your knowledge, has your international union chartered a separate local within the same work and/or area jurisdiction which consists only of

	Yes	No
a. Persons of the same race or color?	☐	☑
b. Persons of the same sex?	☐	☑

Part D. REQUIREMENTS FOR FILING SCHEDULES I OR II

1. Does the local union, or any unit, division, or agent of the local union, or any labor organization which performs, within a specific jurisdiction, the functions ordinarily performed by a local union, whether or not it is so designated:

	Yes	No
a. Operate a hiring hall or hiring office?	☐	☑
b. Have an arrangement under which one or more employers are required to consider or hire persons referred by the local union or an agent of the local union?	☑	☐
c. Have 10 percent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time, or for the duration of a specified job?	☐	☑

If the answer is "Yes" to any of the three questions in item 1 the local union is considered to be a "Referral Union" and should fill out and attach SCHEDULE I.

(See definition of "Referral Union" in Section 4 of the general instructions.)

If the answer is "No" to all three questions, 1a, 1b, and 1c, the local union is considered to be a "Non-Referral Union" and should fill out and attach SCHEDULE II.

2. You are only required to file one Schedule.
Check which Schedule you are filing:
☑ Referral Union—Schedule I.
☐ Non-Referral Union—Schedule II.

Part E. APPENTICESHIP PROGRAM

Does your organization operate a unilateral apprenticeship program independently of any employer or joint labor-management program? Yes ☐ No ☑

If "Yes," you must complete the attached Apprenticeship Report.

Part F. REMARKS

Part G. IDENTIFICATION AND SIGNATURE

To the best of my knowledge and belief, the information contained in this report and the attached Schedule I or II is true and complete. It is further certified that to the extent any data in Schedule I, Items 2, 3, or 4, or in the Apprenticeship Report, are based on self-identification by individuals this information was gathered only after they were advised of its confidential nature and purposes.

1. Type or print name, title, work address, and telephone number of designated representative

Name GASPER VALENTI

Title PRESIDENT

Work address 1469 FLATBUSH AVE BKLYN. N.Y.

Telephone number (including area code) 212 GE. 4-2710

2. Signature of designated representative Gasper Valenti

3. Date November 20, 1968

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both." Title 18, Section 1001, United States Code.

CSS—16—80194—1

1208

Budget Bureau No. 124–R0005
Approval Expires Sept. 1969

SCHEDULE I—REFERRAL UNION INFORMATION
LOCAL UNION EQUAL EMPLOYMENT OPPORTUNITY REPORT EEO–3

TO BE ANSWERED BY "REFERRAL UNIONS" ONLY

This schedule must be filled out by all local unions which answer "Yes" to any one of the three questions in Part D, Item 1 of Report EEO–3.

1. Name, local number, and address of union as shown in Part B, Items 1 and 2 of Report EEO–3.

INT'L. UNION OF OPERATING ENGINEERS LOCAL 295-295C
1465 FLATBUSH AVE. BROOKLYN 11210, N.Y.

MINORITY GROUP IDENTIFICATION

In completing Items 2, 3, or 4, you must report information indicating the race, color, or national origin of individuals. It is understood that exact identification of an individual as a member of a minority group is not always possible. A good faith effort is acceptable.

This information may be obtained by visual survey, from existing records, by tally from personal knowledge, or by self-identification. The self-identification method may be used subject to the conditions set forth in the instructions. Since the Equal Employment Opportunity Commission is requiring that these statistics be filed, no State law governing racial, etc., identification and inquiries applies if it conflicts with the Commission's regulations.

2. Membership in Referral Units of Local Union (498)

If you are a Referral Union report below *only* those (a) members or (b) applicants for membership in bargaining units with hiring hall or referral arrangements, or who are employed by employers which customarily and regularly look to the union for casual or temporary help, as explained in Part D of Report EEO–3.

(a) *Table 1. Members*

Total Members in Bargaining Units Described Above			Minority Group Members							
			Male				Female			
Total (Cols. 2 & 3) (1)	Male (2)	Female (3)	Negro (4)	Spanish Surnamed American (5)	Oriental (6)	American Indian (7)	Negro (8)	Spanish Surnamed American (9)	Oriental (10)	American Indian (11)
498	450	48	90	120	2	0	12	30	0	0

(b) *Applicants for Union Membership* (of the type described above)

To the best of your knowledge, how many persons applying for membership within the past year were:

(1) Negroes? 50

(2) Spanish Surnamed Americans? 65

(3) Orientals? 0

(4) American Indians? 0

c36—16—80134–1

1209

3. All Referrals During 2-Month Period 70

(a) *Table 2. Number of Persons Referred*

All Referrals			Minority Group Referrals							
			Male				Female			
Total (Cols. 2 & 3) (1)	Male (2)	Female (3)	Negro (4)	Spanish Surnamed American (5)	Oriental (6)	American Indian (7)	Negro (8)	Spanish Surnamed American (9)	Oriental (10)	American Indian (11)
70	70	Ø	10	70	Ø	Ø	Ø	Ø	Ø	Ø

(b) *Period used for Referral Data* (you should obtain the figures on referrals during any 2-month period between August 1 and November 30)

995
(Dates)

(c) *Applicants for Job Referral*

To the best of your knowledge, how many persons applying for referral during the 2-month period were:

(1) Negroes? 10

(2) Spanish Surnamed Americans? 70

(3) Orientals? Ø

(4) American Indians? Ø

4. Method of Identification

How was information as to race, color, national origin, and sex in Items 2 and 3 obtained?

(Check all applicable boxes.)

9 (a) ☐ Existing record.

1 (b) ☑ Visual survey.

9 (c) ☐ Tally from personal knowledge.

9 (d) ☐ Self-identification.

9 (e) ☐ Other—Explain _____

CSO—16—80194—1

Plt. Ex. B for id. Feb. 10, 72 JL

STEVENS INSTITUTE OF TECHNOLOGY

HOBOKEN, NEW JERSEY

Ex. 134

LABORATORY OF PSYCHOLOGICAL STUDIES
J. MYRON JOHNSON, Ph.D.
DIRECTOR

FREDERICK J. GAUDET, Ph.D.
DIRECTOR EMERITUS

June 26, 1968

Joint Steamfitting Apprenticeship Committee
75 East 45th Street
New York, New York

Gentlemen:

Our third administration of apprentice examinations for Steamfitters is scheduled for July, 1968. There are several aspects of the testing program which have previously been discussed but which I would like to call to your attention again.

We do not as yet have any data related to ultimate "on the job performance" which would enable us to identify how the four areas tested should be weighted in terms of predictive significance. As a consequence your requirement of a minimum score of 50% ile on all four tests, based on intra-group norms, may result in disqualifying some candidates who would conceivably make good apprentices. Further the use of a verbal reasoning test, according to available research data, tends to eliminate candidates who have had limited cultural home backgrounds or who have been exposed to poorer school systems. It is possible that some candidates who do poorly on verbal reasoning might have substantial mechanical aptitude and good performance potential on the job.

It may be true that the content of your classroom study requires good verbal and reading skills and that a lack of such skills may require extra instructor effort and even tutoring services, but given good practical work skills and potential for craftsmanlike work, such extra effort may be warranted.

One additional thought, it may be that the Steamfitter Apprenticeship test attracts a good caliber of potential candidates and that even use of intra-group norms with successive hurdles may eliminate potentially capable apprentices.

We are aware of your continuing responsibility for making decisions regarding selection standards and wish to provide you with any pertinent information which may be helpful to you in making such decisions both now and in the future.

Respectfully submitted,

Jay Gottesman

1211

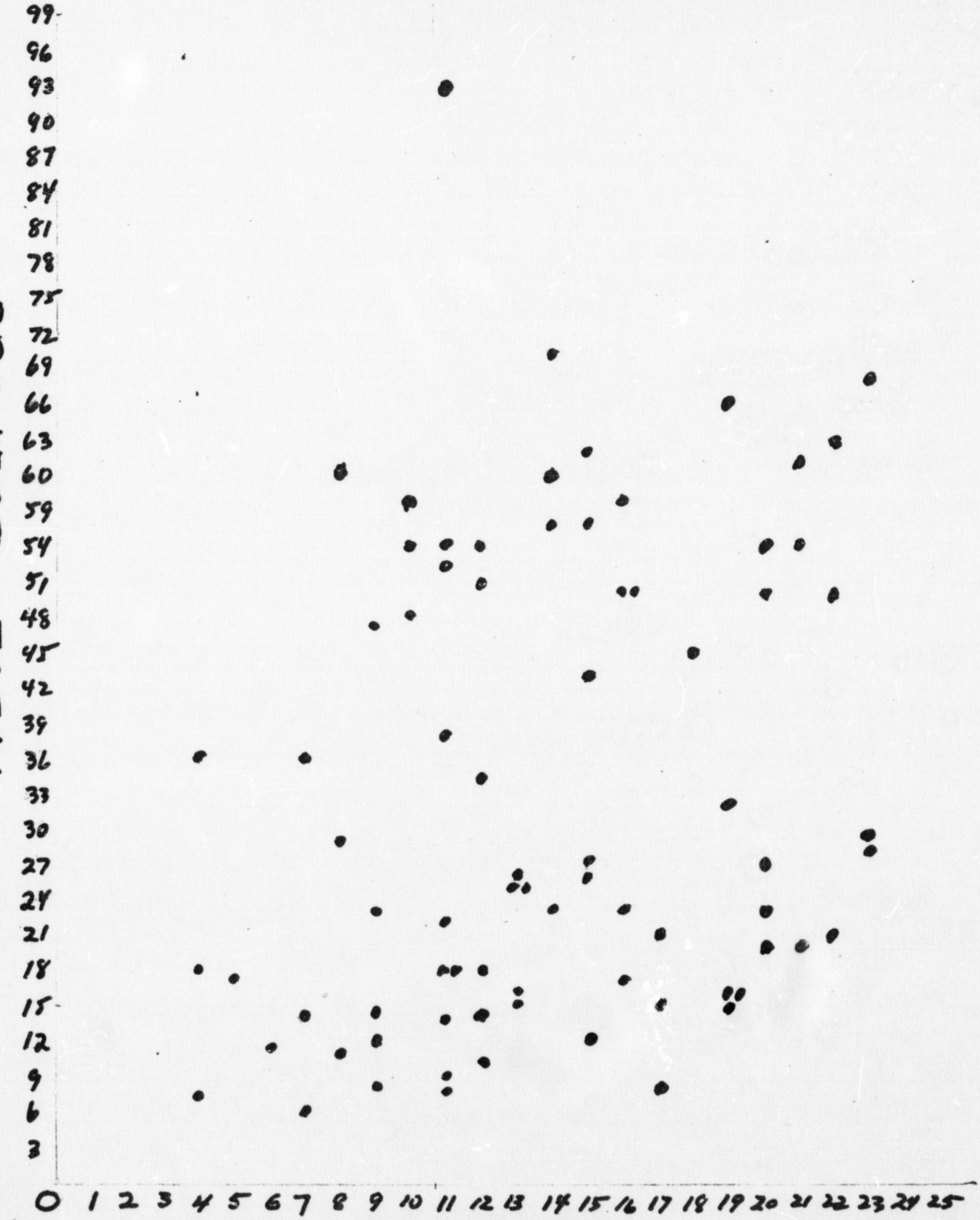
Jay Gottesman
Consulting Industrial Psychologist

Ex. 135.

CHART DEPICTING CORRELATION OF 0.24

(STATISTICALLY SIGNIFICANT)

BASED ON SCORES OF 78 APPRENTICES.



Ex. 141

28

WESTERN UNION

SENDING BLANK

CALL LETTERS: HGF

CHARGE TO: SHEET METAL WORKERS INTNL ASSN.

JANUARY 22, 1965

BOOK MESSAGE
ALFRED J. MOSHER, 53 BOXWOOD DRIVE, STAMFORD, CONNECTICUT

ALAN ROBERTS, 25 DIMSDALE DRIVE, SCARSDALE, NEW YORK
KINDLY MEET WITH ME IN GENERAL OFFICE WEDNESDAY MORNING JANUARY 27 TEN THIRTY AM TO DISCUSS BLOW PIPE SITUATION.

EDWARD CARLOUGH GENERAL PRESIDENT
SHEET METAL WORKERS INTERNATIONAL ASSOCIATION

P-CARLOUGH-9
3-30-73
WCL

EFC:L:lg

Send the above message, subject to the terms on back hereof, which are hereby agreed to

PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD

1269—(1 4-55)

Cancelled
Re scheduled for Wed. Jan 27 on BTEA Bldg
New York, NY

1213

HARRY G. RUECKERT, Fin. Sec'y-Treas. Ex. 142 EDWARD J. O'REILLY, Recording Secretary

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

LOCAL UNION No. 28 OF NEW YORK CITY

Affiliated with The New York State Federation of Labor, Central Trades and Labor Council of Greater New York, Building and Construction Trades Council of New York City

350 Broadway, New York, N.Y. 10013 • Phone WAlker 5-0800

DAN PASQUINUCCI, President

July 24, 1973

Mr. Louis Commarato,
President
Sheet Metal Workers' Intn'l Ass.,
Local 400
1435 Broadway
New York, N.Y. 10018

Dear Sir and Brother:

This is to advise you and the members of Local 400's Blowpipe Division that commencing immediately and to November 8, 1973, Local Union 28 will accept the transfer of members of Local 400's Blowpipe Division who have been in continuous good standing for five (5) years in that Division.

Eligible members who desire to transfer into Local 28 during the subject period should comply with the transfer provisions set forth in "Article Sixteen (16)" of the I.A.'s Constitution and Ritual, and submit, along with an appropriately issued transfer card, a certification from Local 400's Financial Secretary confirming their continuous good standing for five (5) years in the Local's Blowpipe Division.

Will you please inform the Blowpipe membership of the contents of this letter as soon as possible.

Thank you for your prompt cooperation.

Fraternally and sincerely yours,

Dan Pasquinucci,
President

DP:jls

Total Labor Force and Estimated Minority Labor Force (continued) D. Ex. M

NEW YORK DISTRICT	LABOR FORCE		
	TOTAL	MINORITY	PER CENT MINORITY
Bronx	552,442	213,757	38.7
Dutchess	84,934	5,385	6.3
Kings	1,012,423	303,626	30.0
New York	741,741	237,029	32.0
Nassau	585,516	31,744	5.4
Orange	83,047	5,830	7.0
Putnam	20,675	133	0.6
Queens	908,921	133,333	14.7
Richmond	115,276	7,221	6.3
Rockland	86,555	6,775	7.8
Suffolk	403,170	25,654	6.4
Sullivan	21,078	1,511	7.2
Ulster	54,772	2,305	4.2
Westchester	383,138	40,709	10.6

From these figures
Total NYC min % ≥ 26.1

includes
women + non-bl + Spanish
mins.

DEFENDANT'S
U. S. [illegible]
S. D. OF N. Y.

D. Ex. 9

IMPORTANT

Copy

INSTRUCTIONS IN THE EVENT OF ANY EMERGENCY ON ANY JOB

DURING THIS PRESENT SITUATION, IF ANY TRAINEES SHOULD APPEAR ON THE JOB SITE (1) NOTIFY YOUR EMPLOYER (2) NOTIFY GENERAL CONTRACTOR (3) NOTIFY THIS LOCAL (4) DO NOT - ABSOLUTELY DO NOT FIGHT VIOLENCE (5) DO NOT LEAVE THE JOB UNTIL DIRECTED BY THE EMPLOYER (6) IF WE HAVE TO LEAVE THE JOB, WE WILL NOT RETURN UNTIL ADEQUATE POLICE PROTECTION IS PROVIDED.

IF THE SITUATION SHOULD CHANGE, YOU WILL BE NOTIFIED AT A SPECIAL EMERGENCY MEETING.

D. Ex. AJ

SHEET METAL WORKERS INTL. ASSN. LOCAL UNION 28

-JOB LISTING-

MAJOR JOBS - SITES & LOCATIONS FOR THE 5 BORO N.Y.C. AREA
PREPARED BY EDWARD O'REILLY, DIRECTOR OF JOB RESEARCH & REVIEW DEPT.

CURRENT DATE: NOVEMBER 1ST, 1974

CODE: OB - Office Building H - Hospitals & Nursing Homes S - Schools & Museums
T - Transportation B - Banks C - Communications SH - Shopping Center
R - Religious Bldgs. F - Federal Works P - Public Works HS - Housing
ENC - Enclosure Work CW - Ceiling Work HT - Hotel

JOB STATUS: * - Starting Soon ** - Just Starting *** - Underway **** - Finishing Up
E - Excavating ST - Stories ALTS - Alterations EXIS - Existing Bldg.

AREA: West of 5th Ave., South of 50th St. down to Battery. Below 14th St. West of Bway.
Business Agent - Sam Elnick

CODE	HGT.	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
OB	110	Tower A, World Trade, Church & Vesey	ABT		M. Frolich	***
OB	110	Tower B, World Trade, Church & Vesey	ABT		M. Frolich	***
OB	15	N.E. Plaza, World Trade, Church & Vesey	Brooks		D. Mancini	****
OB	10	Customs House, World Trade, Church & Vesey	Brooks		F. Moleti	****
OB	9	S.E. Plaza, World Trade, Church & Liberty	ABT			*
OB	3Bld	Battery City Office Complex				E
OB	40	Bankers Trust, Liberty & Washington	Universal	964-8288	E. Quinn	**
HS		Battery City Park, Battery & Reade				E
HS	3Bld.	340 Greenwich St.				****
HS	26	Co-op, Baxter & Walker St.				**
HS		Washington Towers, Worth & Chambers	General			****
HS	3Bld.	42nd St. & 10th Ave.	General			*
HS		Broadway & Waverly	Flannery			*
S	8	Manhattan Comm. College, Moore Reade & Wash.				E
S	8	Fashion Design, 26th & 7-8th Aves.	Alpine	695-5946	W. Harder	***
S	6	Recreation Ctr., 25th & 9-10th Ave.	H.Martin			*
T		Pier 88, N. River at 48th Street	Hartmann			***
HT	54	New Yorker Hotel, 43th St. & Broadway				E

-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS & ENCLOSURE JOBS-

OB	ENC	World Trade Center, Church Street	Alpine			***
OB	40	1 Penn Plaza, 33rd & 7th Ave.	Universal	868-1915		TW
OB	50	1114 6th Ave., at 42nd St.	National	947-0425		TW
S		Fashion, 26th St. & 8th Ave.	Scully			CW
	ALTS	435 W. 50th St., Phone Co.	Airite			
	Enc.	S.E. Plaza	Triangle			

AREA: East of 5th Ave., south of 50th St., down to Battery, Governors, Welfare Island and Liberty Island, below 14th Street, east of Broadway.
Business Agent: Gus Pasquinucci

C	HGT	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
OB	42	Federal, Broadway & Worth St.	Simpson		A.McDonald	**
OB	40	3 Park Ave., at 34th Street	Federal	679-9324	J.Gany	**
OB	39	UN Plaza, 1st Ave. & 44th St.	National	661-8175	L.Bicardi	**
OB	31	207 E. 43rd St. at 3rd Ave.				E
H		New York Eye & Ear Staff, 13th St. & 1st	Allied			**
S	5	J.H. 47, 2nd Ave. & 23rd St. & Apts.	H & K			*
S	10	Commercial High, 34th St. & Park Ave.	General		J.Lipka	***
S	6	Downtown Business High, 411 Pearl St.	National	964-1377	M.Antonelli	**
S	5	P.S. 124, Canal & Bowery & Apts.	Alpine			**
S	5	P.S. 142, Pitt & Delancy				E
S	4	P.S. 25, Norfolk and Stanton	Alpine			*
C	30	New York Phone, Office Bldg. Pearl St.	National	349-1966	J.Matie	**
B		Greenwich, 43rd St. & Lexington Ave.	Flannery			
P	11	Family Court, Leonard & Lafayette Sts.	Triangle	966-6554	Lee	****
P	1	Refrigation Plant, Centre & Leonard Sts.			Lewis	*
P	1	Gym, Roosevelt Island	H & K			E
P		Transit Vent, 2nd & 1st Ave.	Alpine			E
HS	1Bldg.	34th St. & 2nd Avenue				**
HS	19	Roosevelt Is., Site 3,4, & 5	Lambert		R.Knice	***
HS		Phipps Plaza, West 29th St. & 2nd Ave.	Viking			*
HS		Cooper, 2nd Ave. & 23rd St.	Viking			
HS		Roosevelt Is., Site 6	Alpine			
HS		45th Street, & 1st & 2nd Ave.	AirRite			*
HS	3Bldgs.	Confusius Plaza, Canal St. & Bowery	Alpine			

-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS & ENCLOSURE WORK-

OB	39	489 5th Ave. at 41st St.	Allied			TW
OB	35	747 3rd Ave. & 46th St.	Triangle		J.Rhatigan	TW
OB	40	600 3rd Avenue	Universal		T.Burton	TW
OB	ENC	Federal	Alpine			
OB	ENC	3 Park Ave., at 34th St.	Triangle			
OB	40	55 Water Street	Allied & National			TW
OB	TW	2 New York Plaza				**
ALTS		1 Wall St. 18th Floor	Royal			*
ALTS		Computer Center, Police Headquarters	H & K			*
ALTS	5Fls.	15 Broad Street	W & M			
ALTS	14Fls.	100 Broadway and 120 Broadway	Royal			

AREA: North of 50th St. Entire Upper Manhattan, east & west to 225th St. Manhattan
Business Agent - Carl Fiore

CODE	HGT	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
[illegible]	48	1633 Broadway at 50th St.	Brooks	N.P.	B. Moleti	****
OB	14	125th St. & Lenox Ave., CVAU	Allied	N.P.		****
OB	50	Olympic Towers, 51st & 5th Ave.	Triangle	688-5248	G. Dugdale	***
OB	52	Galleria, 17 E. 57th St., OB & Apts.	Atlas		E.Raymond	***
OB	ALTS	Uni-Royal, 48th St. & 6th Ave., RCI	National	N.P.	B. Bartolo	****
OB		625 Lexington at 54th St.	Triangle			E
H	6	Harlem Nursing; 30 W. 138th St.	Brooks	N.P.	R. Lipman	**
H	ALTS	Red Cross Blood, 67th St. & 1st Ave.	Atlas	N.P.		****
H	13	Lenox Hill, Lexington & 76th St.	Viking		B. Kiwa	**
H	29	Mt. Sinia, 100th St. & 5th Ave.	Universal	369-4064	N.Maldarelli	****
H	ALTS	Columbia Pres. 168th St.	Lambert		G. Doyle	***
H	9	Medical Library, 168th & Haven	Alpine	923-5754	W.Harder	**
H		Animal, 306 E. 64th St. & York Ave.	Essex		J.Cullen	**
S	1	City College, 135th & Amsterdam - Hgt. & Refrig.	Alpine			*
S	6	Martin Luther King High, 60th & 8th Ave.	H.Martin	N.P.	S.Arbital	****
S	5	I.S. 195 & Apts., 133rd & Broadway	Alpine	N.P.	P.Dunleavy	**
S	2	Columbia Gym, 120th St. & Broadway	General		H.Volgare	*
S	6	LaGuardia High, Amsterdam & 74th St.				E
S	27	Marymount College, 72nd & Central Pk West.	Royal			***
S	8	Parkwest High, 50th & 10th Ave.	Alpine	N.P.	J.Davidow, Sr.	**
S		Calhoun, 82nd St. & East End Dr.	W & M		J.Pershetti	**
S	11	P.S. 50, 102nd St. & FDR Dr., (Apts.)	Viking		G.McDermott	**
S	4	P.S. 153, Amsterdam & 146th St.	Alpine			*
S	8	C.C.N.Y., 135th St. & Amsterdam				E
S	17	Hunter College, Lexington & 68th St.				E
S		Park East Day, 64 E. 68th St.	Brooks			
S	3	P.S. 141, & Apts., 90th St. & York				E
P		N. River Pollution, 137th to 145th Sts.				E
P		34th Pct. Broadway & 183rd St.				*
C	EXIS	Telephone Co., 208 E. 79th St.	General		C.Silverman	***
R		Synagogue, 163 E. 67th St.				*
HS		East Metro.N., 102nd & East River Drive	Viking		G.McDermott	**
HS		East River Houses, 2100 1st Ave.	Alpine	289-9816	A. Kaplan	****
HS	20	88th St. & York Ave. Apts.	Allied			****
HS		Ruppert Towers, 92-96 3rd Ave.	Alpine		T. Rigilano	****
HS		Yorkville Towers, 95th & 2nd Ave.	Alpine			****
HS	35	E.Harlem Pilot Block, 123rd & 3rd	Royal			****
HS		Clinton Towers, 54th & 11th Ave.	H.Martin			***
HS	2Bld.	Ruppert Towers, 3rd Ave., & 93rd St.	Viking			**
HS	1 Bld.	Calico House, 58th St. & 2nd Ave.	Hartmann			***
HS	1Bld.	320 West 57th St.	Triangle			**
HS		106th St. & 5th Ave.	Metro.			***
HS		Apt. House, 211 E. 70th St.	Brooks		F.Moleti	**
HS		No. 2, Lincoln Sq. Apt. Church	Viking		G.Hayes	*
HS		Glen Gardens, 88th St. & Amsterdam	Alpine			**
HS		Hudson View Terr., 10th Ave. & 53rd	Alpine			**
HS		Apts., 78th St. & 1st Ave.	3 Boro			**
HS		Cornell Dorm, 404 E. 70th St.				****
HS	26	Rockefeller U., 62nd St. & York	Alpine			*
HS	2	St. Phillips & Nicholas Ave.	Simpson			**

(over)

CODE:	HGT	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
[illegible]S		72nd St. between 1 & 2nd Ave.	AirRite			*
[illegible]E		79th St. & 2nd Ave.	A & A			*
HS	APT	79th St. & Amsterdam	Brooks			*

-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS, & ENCLOSURE JOBS-

OB	ALTS	Radio City Complex	Columbia	265-2126		TW
OB	43	Celanese Bldg. 1201 6th Ave.	National	757-1077	B.Bartolo	TW
OB	6	J.C. Penney, 1301 6th Ave.	Contractors			TW
OB	ENC	Olympic Towers, 51st St. & 5th Ave.	Alpine			
H	ALTS	New York Hospital, York & 72nd St.	Contractors			**
H	CW	Mount Sinia, 100th St. & 5th Ave.	Scully			CW
[illegible]	CW	Fashion, 26th & 5th Ave.	Scully			CW

AREA: Borough of Bronx and City, Randalls, Wards, and Hart Islands.
Business Agent: John Kissane

CODE	HGT	JOB NAME / LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
H	12	North Central, 210th & Kossut Ave.	Federal			****
H	10	Lincoln, 149th & Morris Ave.	Triangle	993-5444	H.Brown	****
H	10	Morningside Nursing, Pelham	National	828-8591	A.Seidman	****
H	6	West Road, Kingsbridge & University Ave.	Steel Town			***
H	7	Wayne Health, Wayne & 211th Street	Allied			***
H	6	Hebrew Nsg., 5601 Palisade Ave.	Viking			***
H	5	Co-op City Nursing				**
H	5	Bronx State, 1500 Nates Place	Atlas	822-8879	P.Mendez	**
H	ENC.	Lincoln, 149th St. & Morris Ave.	Triangle			*
H		Nursing, Throgs Neck & Randall Ave.				**
H	9	Kingsbridge Vets, Kingsbridge Road				E
H		Nursing, Waring & Brunner Ave.				*
H		West Road, Nursing	Alpine			
S	4	I.S. 93, Prospect & 176th St.	Federal		T.Hogan	***
S	4	P.S. 184, 156th St. & Tinton	DJ Rice		K.Pue	***
S	5	P.S. 152, Bruckner Expressway	Viking		N.Mulhearn	***
S		I.S. 229, Major Deegan & Tremont Ave.	Alpine			*
S		Schuster Hall, Lehman College	Atlas		M.Solch	***
S	4	P.S. 163	Viking			**
S	4	P.S. 175, City Island Ave. & Centre	Viking		J.Varley	**
S	5	P.S. 205, 187th St. & Southern Blvd.	H.Martin		B.Braun	**
S	5	P.S. 182, White Plains Rd., & Randall Ave.	Brooks		J.Catania	**
S		P.S. 87, 4211 Edison Ave.	H & K			E
S		Lehman College, Speech, 2854 Paul Ave.	General			E
S		Lehman College, Library, Paul & Bedford Ave.	Federal			E
S		P.S. 137, 182nd St. & Webster Ave.	Alpine			*
SH	1	Farmers Market	Industrial			E
P	10	Bx. Family Ct., 161st St. & Sherman Ave.	Federal	536-9040	H.Greaves	***
P		43rd Pct., Story & Fetley Ave.	Viking			**
P		Yankee Stadium, 157th St. & River Ave.	Federal	294-9640	D.Hague	**
P		Hunts Pt., Pollution, Ryawa & Coster Ave.	Romar			*
P	ENC	Bronx Family Ct., 161st & Sherman	Brandt			*
P	2	Firemans Training Center, Wards Island	Suna			**
P		Wards Island, Pollution Plant	Triangle			**
HS	20	Riverview, University Ave.	Atlas			***
HS	18	Soviet Mission, 355 W. 255th St.	Hartmann			***
HS	20	Melrose House, E. 149th St. & Morris Ave.	Brooks		D.Lawton	**
HS		Keith Plaza, 187th & Southern Blvd.	H.Martin			***
HS		Jonas Apts.	Essex			***
HS	3Bldg	Stevenson, White Plains & Lafayette	H.Martin			*
HS		Kelly Towers, 189th St. & Southern Blvd.	H.Martin			*
HS		Boulevard Towers	Metro			*

-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS & ENCLOSURE JOBS-

CW		Bronx State School	Jacobson			
ENC		Wards Island	Triangle			*
ENC		Bronx State - Water St.	Alpine			*
ENC		Lehman College	Universal			*
ENC		Lincoln Hospital	Triangle			*

AREA: Borough of Queens and Rikers Island - Business Agent: Artie Moore

CODE	HGT	JCB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
OB	11	Queens & Junction Blvd.	Suna			E
H	10	LaGuardia; 66th Road & 102nd St.	Federal		E.Bieter	*
H	7	Washington Nursing; 89th St. & 24th Ave., Astoria				**
H	9	Woodhull Nursing; 175th St. & 91st Ave.,Jamaica				*
S		Woodrow Wilson; Baisley & 155th, St. Albans	H.Martin			***
S	5	P.S. 79, 147th & 15th Road	Alpine			****
S	20	P.S. 99; & Apts., Kew Gardens Road	Viking			****
S		P.S. 384, Metropolitan	General		D.Brandon	***
S	5	I.S. 226; Rockaway Blvd. & 121st	DJ Rice			***
S	5	P S. 37; 137th & Bell Knap St.	Viking			*
S	5	I.S. 227; Junction Blvd. & 95th	Brooks			*
S	5	P.S. 43 & I.S. 44, Edgemere & Beach 38th St.				E
S	5	I.S. 240; 243rd & Merrick Blvd.				E
S	6	West Queens High; Broadway & 21st				E
S		Queensborough Service; 56th Ave.,Cloverdale	Atlas			E
S		Queensborough Science, 56th Ave, Cloverdale				E
S		Queensborough Business, 56th Ave.,Cloverdale	Brooks			E
S		Queensborough Arts, 56th Ave., Cloverdale				
S		LaGuardia Comm,; Thompson & 31st Place	H & K			
S	ALTS	Bryant High				
						*
T		Queens Plaza Garage; Jackson Ave., L.I.C.				***
T		S.A.S. Cargo, JFK				*
T		LaGuardia, garage, airport	3 Boro			*
T		Post Office, JFK	Flannery			*
T		LaGuardia, Restaurant				
			W & M		R.Pasquinucci	***
C		Astoria Power House	General			*
C	2	Long Line Phone Co., 62nd Road				
			Triangle			*
P	3	Rikers Island, housing,; re-hab	Suna			E
P		Bowery Bay Pollution; Steinway & Berrin	Simpson			*
P		Tallmans Is., Water Pollution, College Point	Simpson			**
P		Rockaway Pollution	H.Martin			**
P	2	Combined Police Hgtrs., 58th Lane,& BQ Expres.				
			Triangle	463-8150	S.Starace	****
SH		Korvetts, Kissane Blvd. & Barclay				
			Nebal			***
HS	2Bldg.	Bayview Towers, Whitestone	National	423-6096		***
HS	3Bldg.	North Shore Towers, Glen Oaks	General		S.Panken	***
HS	15	Rego Park, 108th St. & L.I. Express.				*
HS		Israel, B. 19th & Seagirt, Rockaway	Viking			*
HS		Brookdale Village, B. 19th & Seagirt				

-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS & ENCLOSURE JOBS-

CW		Rikers Island	Scully			*

AREA: Borough of Brooklyn and Staten Island - Business Agent: George Andrucki

CODE	HGT	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATUS
OB	7	Flatbush Ave. & Fulton	Federal	625-9550	J.O'Connor	***
H	10	Wyckoff Htgs., 374 Stockholm	Simpson			***
H	14	Greenpoint; Throop & Park	Alpine	384-8780	P.Burger	***
H	18	New Utrecht Nursing; 1740 84th St.	Suna		A.John	***
H	10	Rutland Nursing, Schenctady & Rutland	Federal	773-8802	A.Yovino	**
H		Medical Center, ILA, Court St.	3 Boro			****
H		Out-Patient, Clinic, 270 Nostrand Ave.				*
H	2	Cerebral Palsy, Lawrence St. & Ocean Pkwy.				***
H		Nursing, Clason & Prospect				E
H		Brooklyn, staff housing	Viking			*
S	5	Kingsboro Art, Oriental Blvd.	Flannery	769-7118	M.Shamroy	**
S		N.Central High, Avel & 18th St.	General		J.Palker	***
S		P.S. 291, Knickerbocker & Wilson	General		J.Lipka	***
S	4	P.S. 72, Blake & Sheppard	Rice			****
S	6	Boys High, Fulton & Utica	Federal	773-9419	B.Northam	***
S	4	I.S. 390, Troy & Sterling	Brooks			*
S	4	O.S. 308, Lewis & Gates	Brooks		J.Bilello	***
S	4	P.S. 13, Litunoia & Pennsylvania	Rice			****
S	4	P.S. 397, Fenimore & Brooklyn	Royal			***
S	1	Special Children, Bay 44th & Shore Pkwy.				****
S		I.S. 324, Gate & Reid Ave.	Viking			**
S	3	P.S. 346, Collins & Louisiana Ave.	Viking			**
S		Pratt Institute, DeKalb Ave.	Flannery			**
S		P.S. 314; 60th St. & 3rd Ave.	Alpine			E
S		I.S. 391, Troy & Schenectady	H.Martin			*
S		Kingsborough, Academic, West Hall, Oriental Blvd.				E
S		Kingsborough, heating plant				*
S		Kingsborough, auditorium, Oriental Blvd.	H.Martin			*
S		Kingsborough, gym, Oriental Blvd.	Franklin			*
S		Kingsborough, student center	Flannery			*
S		N.E. High, Grand & Bushwick	Brooks			E
C	3	Phone Co., 89th St. & 4th Ave.	Royal			****
T		Seatrain, Todd Shipyard	Essex			****
T		Toll Booths, Outer Bridge, Staten Island	3 Boro			****
SH		Brooklyn, Meat Market, 54th St. & 1st	Atlas	439-9337	J.Gany	***
P	ALTS	Municipal Court, Court St.	Federal		J.O'Connor	***
P	3	81st Pct, Ralph & Gates Ave.				**
P	3	E.N.Y., Care Center, Penn. & Ritkin	Alpine			****
P		26th Ward, Flatlands & Shore Pkwy.	Simpson		J.Kernochan	***
P		Brownsville Family, Chester & Bristol				**
P		Brownsville Multi Svc. 444 Hopkins	Eastern			**
HS	30B	Twin Pines, Penn. Pkwy.	Sobel & Krauss			*
HS	2B	Coney Island, Site #4	Steel Towne			****
HS	3B	24th St. & Surf Ave.	National Rfg.			*
HS		Bedford Gardens	Viking		J.Troise	**
HS		Starret City Garages	Viking			**
HS		Atlantic Terminal, Atlantic & Carlton	Viking			**
HS	8B	Kent & Whythe Ave.	H.Martin			**

(over)

CODE	HGT.	JOB NAME & LOCATION:	SHOP	SHANTY #	FOREMAN	STATU
HS		Marcus; Newport & Dumont Ave.	Alpine			
HS	6B	Atlantic & Pacific				E
		Cooper Gramercy				*
HS		Atlantic Terminal	General			*
		-THIS SECTION CONTAINS TENANT WORK JOBS, CEILING JOBS. & ENCLOSURE JOBS-				
OB	ENC	Flatbush Ave. & Fulton	Universal			****
H	ENC	Greenpoint, Troop & Park	Brandt			*
H	CW	Greenpoint, Throop & Park	Scully			*
S	ENC	Library, LIU, 385 Flatbush Ave.	Universal			***
		STATEN ISIAND -				
H		Nursing, Vanderbilt & Tompkins				***
H		Clove Lake Nursing, Fanning & Cannon				**
H		Bradley Health, 191 Bradley Ave.				E
S		New Dorp at Miller Field				E
S	5	P.S. 57, Palma Dr. & Hanover Ave.	H & K			**
S	5	I.S. 72, Ferndale & Saxon St.	Rice		J.Tague	**
S	5	P.S. 69, Castleton Corners Sec.	Rice		W.Guthenberg	*
S		P.S. 60, Richmond & Merrell Ave.	Pomar			***
S		P.S. 73, Drumgolle & Jefferson	Pomar			***
S		I.S. 51, South Ave.	Contractors			***
P		Port Richmond Pollution	Simpson			**